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Thursday
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Highlights

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Highlights

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 649]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia Oranges that may be shipped to market during the period June 6–June 12, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: June 6, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 3, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be steady.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 908.949 is added as follows:

§ 908.949 Valencia orange regulation 649.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 6, 1980 through June 12, 1980, are established as follows:

(1) District 1: 376,000 cartons;

(2) District 2: 424,000 cartons;

(3) District 3: Open Movement.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-17323 Filed 6-4-80; 11:43 am]

BILLING CODE 3410-02-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0007]

Interest on Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("the Committee") has adopted a final rule concerning the penalty for early withdrawals of time deposit funds. The rule provides for a minimum required penalty of a forfeiture of an amount equal to three months of interest, at the nominal contract rate, on the funds withdrawn where the time deposit has an original maturity of one year or less and six months of interest, at the nominal contract rate, on the funds withdrawn where the time deposit has an original maturity of more than one year, regardless of the length of time the funds have remained on deposit. The rule applies to all commercial banks, mutual savings banks, and savings and loan associations subject to the authorities conferred by section 19(j) of the Federal Reserve Act, section 18(g) of the Federal Deposit Insurance Act and section 5B(a) of the Federal Home Loan Bank Act.

EFFECTIVE DATE: June 2, 1980.

FOR FURTHER INFORMATION CONTACT: John Hall, Attorney, Federal Home Loan Bank Board (202/377–6466), Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447–1632), F. Douglas Birdzell, Senior Attorney, Federal Deposit Insurance Corporation (202/389–4324), Anthony F. Cole, Senior Attorney, Federal Reserve Board (202/452–3612), or Allan Schott, Attorney-Advisor, Treasury Department (202/566–6798).

SUPPLEMENTARY INFORMATION: Under regulations of the Federal Reserve, the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board, adopted effective July 1, 1979, a depositor is required to forfeit at least three months of interest on funds withdrawn prior to maturity from a time deposit with an original maturity of one year or less and six months of interest on funds withdrawn prior to maturity from a time deposit with an original

maturity of more than one year. Where the funds withdrawn have remained on deposit for less than three months or six months, respectively, the depositor is required to forfeit all interest earned on the funds withdrawn. No reduction of principal is required, however, unless interest has already been paid to the depositor.

The present penalty rule has not served as an adequate deterrent to premature withdrawals of time deposit funds in the early weeks or months of deposit contracts, particularly when market rates are increasing. In this regard, uncertainty regarding the possible withdrawal of funds before the agreed upon maturity could be disruptive to a depository institution's loan and investment programs. The rule adopted by the Committee modifies the current penalty rules of the agencies to require a forfeiture of an amount equal to three months of interest on the funds withdrawn where the time deposit has an original maturity of one year or less and six months of interest on the funds withdrawn where the time deposit has an original maturity of more than one year, *regardless* of the length of time the funds have remained on deposit.

The rule also provides that the minimum required penalty is to be calculated on the basis of the nominal (simple interest) rate of interest being paid on the time deposit. Under the current regulatory interpretations of the agencies, where interest is being paid on a compounded basis, the amount of interest forfeited must be calculated on a compounded basis. Calculating the penalty on the basis of the nominal rate of interest is more beneficial to consumers, will simplify the calculation and administration of the early withdrawal penalty, and will facilitate disclosure of penalty amounts to customers. Examples of the application of the modified penalty rule follow.

Example 1

A $5,000 time deposit with a maturity of one year and earning interest at a rate of 6 per cent compounded continuously (using 365/360) is withdrawn two months (sixty days) after the date of deposit. Regardless of the method of compounding, accruing, or crediting of interest, the penalty is $75.00, an amount equal to three months of interest at the nominal contract rate on the funds withdrawn ($5,000 × .06/4=$75.00). Imposition of the penalty in this case requires a reduction of $24.75 in the principal amount requested to be withdrawn since the funds have earned only $50.25 (6 per cent compounded continuously on $5,000 for two months) (the penalty amount under the former penalty rule) at the time of withdrawal. If the deposit were withdrawn six months (182 days) after the date of deposit, the penalty also is $75.00. However, in this case, no reduction in principal is necessary unless the interest earned has been paid out or withdrawn from the account. The depositor's balance at the time of withdrawal, including accrued interest, would have been a maximum of $5,153.99 (including 6 per cent interest compounded continuously for six months) and at the time of withdrawal the depositor would receive from the institution $5,078.99 ($5,153.99 less $75.00). If the depositor had already received all of his earned interest from the institution prior to the early withdrawal, the depositor would receive $4,925.00 at the time of the withdrawal.

Example 2

A $5,000 time deposit with a maturity of four years earning interest at a rate of 7¼ per cent compounded continuously (using 365/360) is withdrawn three months (90 days) after the date of deposit. Regardless of the method of compounding, accruing, or crediting of interest, the penalty is $181.25, an amount equal to six months interest at the nominal contract rate on the funds withdrawn ($5,000 × .0725/2=$181.25). Imposition of the penalty in this case requires a reduction of $89.80 in the principal amount requested to be withdrawn since the funds have earned only $91.45 (7¼ per cent compounded continuously on $5,000 for three months) (the penalty amount under the former penalty rule) at the time of withdrawal. If the deposit were withdrawn three years after the date of deposit, the penalty also is $181.25. However, in this case, no reduction in principal is necessary unless the interest earned has been paid out or withdrawn from the account. The depositor's balance at the time of withdrawal, including accrued interest, would have been a maximum of $6,233.63 (including 7¼ per cent interest compounded continuously for three years) and at the time of withdrawal the depositor would receive from the institution $6,052.38 ($6,233.63 less $181.25). If the depositor had already received all of his earned interest from the institution prior to the early withdrawal, the depositor would receive $4,818.75 at the time of the withdrawal.

The new rule will apply to all time deposits entered into, or renewed or extended, on or after June 2, 1980. Time deposits entered into before June 2, 1980, will continue to be subject to the rules of the agencies adopted effective July 1, 1979. Depository institutions, however, with the depositor's consent, may calculate the minimum penalty required to be imposed on withdrawals from pre-existing time deposits on the basis of the nominal simple rate of interest paid on such deposits. The new rule does not affect other provisions of the agencies' early withdrawal penalty rules, such as the exceptions to application of the penalty in the event of the death or incompetence of a depositor.

This action was taken by the Committee in view of the increased number of early withdrawals of time deposits that have occurred and the adverse effects of such withdrawals on the costs of depository institutions and on their ability effectively to manage their liabilities. In view of these considerations and to facilitate the orderly administration of currently prescribed deposit interest rate regulations, the Committee finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to this action would be contrary to the public interest and that good cause exists for making this action effective in less than 30 days.

Pursuant to its authority under Title II of Pub. L. 96–221, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations and mutual savings banks, effective June 2, 1980, the Committee adopts a final rule as follows:

PART 1204—INTEREST ON DEPOSITS

§ 1204.103 Penalty for early withdrawals.

Where a time deposit with an original maturity of one year or less, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount at least equal to three months of interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit. Where a time deposit with an original maturity of more than one year, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount at least equal to six months of interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

By order of the Committee, May 28, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-17117 Filed 6-4-80; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 1204

[Docket No. D-0008]

Money Market Certificates and Small Saver Certificates; Interest on Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rules.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has adopted final rules concerning the ceiling rates of interest payable on the 26-week money market certificate (MMC) and on the 2½ year and longer small saver certificate (SSC). Under the rules adopted, the ceiling rate of interest payable on the MMC by all institutions (commercial banks, mutual savings banks, and savings and loan associations) will be at least one-quarter of one percent above the rate established for six-month United States Treasury bills and in no event will the ceiling rate drop below 7¾ percent. In addition, during the period May 29 through November 30, 1980, commercial banks may renew maturing MMCs with the same depositor at a rate of interest equal to the ceiling rate of interest payable on MMCs by mutual savings banks and savings and loan associations. The ceiling rate of interest payable by all institutions on the SSC has been increased by one-half of one percent and in no event will the ceiling rate drop below 9.25 percent for commercial banks and 9.50 percent for mutual savings banks and savings and loan associations. These actions will provide consumers with a higher rate of return on their savings and will improve the competitive position of depository institutions. The actions also will enhance the ability of small banks to serve the agricultural and small business needs of their communities, help thrift institutions to increase liquidity, and permit banks and savings institutions to better serve the nation's needs for financing home building and home ownership. The rules apply to all commercial banks, mutual savings banks, and savings and loan associations subject to the authorities conferred by section 19(j) of the Federal Reserve Act, section 18(g) of the Federal Deposit Insurance Act, and section 5B(a) of the Federal Home Loan Bank Act.

EFFECTIVE DATE: The new ceiling rules for MMCs are effective for MMCs issued beginning on June 5, 1980. The provision permitting commercial banks to renew maturing MMCs at the thirft ceiling rate is effective May 29, 1980. The new ceiling rules for SSCs are effective for SSCs issued beginning on June 2, 1980.

FOR FURTHER INFORMATION CONTACT: John Hall, Attorney, Federal Home Loan Bank Board (202/377-6466), Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447-1632), F. Douglas Birdzell, Senior Attorney, Federal Deposit Insurance Corporation (202/389-4324), Anthony F. Cole, Senior Attorney, Federal Reserve Board (202/452-3612), or Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798).

SUPPLEMENTARY INFORMATION: Effective June 1, 1978, the Federal Reserve, the Federal Deposit Insurance Corporation ("FDIC") and the Federal Home Loan Bank Board ("FHLBB") promulgated regulations authorizing Federally insured commercial banks, mutual savings banks, and savings and loan associations to offer MMCs (nonnegotiable time deposits of $10,000 or more with maturities of 26 weeks) at a maximum rate of interest tied to the discount yield (auction average) on the most recently issued six-month United States Treasury bills. Under regulations of the agencies, the maximum rate of interest payable by commercial banks on MMCs is the Treasury bill discount rate. The maximum rate of interest payable by mutual savings banks and savings and loan associations on MMCs is one-quarter of one percent above the Treasury bill discount rate when that rate is less than 8¾ percent, 9 percent when the Treasury bill discount rate is between 8¾ percent and 9 percent, and the Treasury bill discount rate when that rate is above 9 percent. Thus, when the Treasury bill discount rate is 9 percent or higher, all institutions may pay interest on the MMC at the same ceiling rate. However, when the Treasury bill discount rate is between 8¾ percent and 9 percent, mutual savings banks and savings and loan associations may pay interest on MMCs at a ceiling rate of up to 25 basis points more than the rate payable by commercial banks, and when the discount rate is less than 8¾ percent, thrift institutions may pay 25 basis points more than the rate payable by commercial banks.

The rule adopted by the Committee establishes a new MMC ceiling rate for all institutions that is at least 25 basis points above the rate established (auction average on a discount basis) for six-month Treasury bills issued on or immediately prior to the date of deposit. The rule also establishes a minimum ceiling rate of 7¾ percent which all institutions will be authorized to pay regardless of the Treasury bill rate. Of course, an institution may pay less than the ceiling rate if it wishes to do so. When the Treasury bill rate is 8¾ percent or higher, both commercial banks and thrift institutions may pay interest at a ceiling rate of 25 basis points above the bill rate. A differential of up to 25 basis points on the ceiling rate payable by commercial banks and thrift institutions has been retained where the Treasury bill rate is more than 7¼ percent, but less than 8¾ percent. The new ceiling rates of interest payable are described in the table below. The new rule affects only the establishment of the ceiling rate payable on the MMC and the other provisions of the agencies' regulations, including the prohibition against compounding of interest on MMCs, are not affected by this rule. As in the past, the ceiling rates will continue to be established by the result of the weekly Treasury auction of six-month bills and will continue to be effective on the Thursday following the auction. The new ceiling rules will be effective for MMCs issued beginning on Thursday, June 5.

In view of the fact that commercial banks that are relatively large lenders in the mortgage and agricultural credit markets and which, especially in the agricultural credit market, tend to be quite small, have relied particularly heavily on MMCs, the Committee also has decided to permit commercial banks, during the next six months (May 29 through November 30, 1980) to renew maturing MMCs with the same depositor at a rate of interest equal to the ceiling rate of interest payable on MMCs by thrift institutions.

The following table illustrates the new ceiling rate schedule for MMCs:

Bill rate	Commercial bank ceiling	Thrift ceiling	Differential
8.75 and above	Bill rate + 25 basis points	Bill rate + 25 basis points	0
8.50 but less than 8.75	Bill rate + 25 basis points	9.00	0 to 25 basis points.
7.50 but less than 8.50	Bill rate + 25 basis points	Bill rate + 50 basis points	25 basis points.
7.25 but less than 7.50	7.75	Bill rate + 50 basis points	25 basis points to 0.
Below 7.25	7.75	7.75	0.

SSCs

Effective January 1, 1980, the Federal Reserve, FDIC and FHLBB promulgated regulations authorizing Federally insured commercial banks, mutual savings banks and savings and loan associations to offer SSCs (nonnegotiable time deposits with maturities of 2½ years or more) at a maximum rate of interest tied to the average 2½ year yield for United States Treasury securities as determined monthly by the United States Treasury. For thrift institutions (mutual savings banks and savings and loan associations), the ceiling rate of interest on SSCs is currently 50 basis points below the 2½ year Treasury rate or 12 per cent, whichever is lower. The ceiling rate for commercial banks is the lower of 75 basis points below the 2½ year Treasury rate or 11¾ per cent.

The rule adopted by the Committee establishes new SSC ceiling rates for all institutions that generally are 50 basis points higher than the current ceiling rates. The rule also establishes minimum ceiling rates of 9¼ percent for commercial banks and 9½ percent for thrift institutions, regardless of the average 2½ year Treasury rate. Under the new rule, the ceiling rate for thrift institutions will be the higher of the average 2½ year yield for Treasury securities, or 9½ percent. The ceiling rate for commercial banks will be the higher of the average 2½ year yield for Treasury securities less 25 basis points, or 9¼ percent. Of course, an institution may pay less than the ceiling rate if it chooses to do so. The cap of 12 percent (for thrift institutions) and 11¾ percent (for commercial banks) imposed on the SSC ceiling rate by the agencies effective February 27, 1980, will be retained. In no event, may a thrift institution or a commercial bank pay interest on an SSC at a rate in excess of 12 percent and 11¾ percent, respectively. As in the past, institutions will be permitted to compound interest on SSCs.

Under the current regulations of the agencies, the ceiling rate on the SSC is established monthly for new deposits based on the rate announced by the Treasury three business days before the beginning of each month. This rate is the average 2½ year yield for United States Treasury securities for the five business days preceding the last three business days of the month. Under the new rule, the ceiling rate will be established bi-weekly. The average 2½ year yield on United States Treasury securities will be announced by Treasury on Monday (based on the average 2½ year yield for the five business days ending on Monday) and the ceiling rates based on that rate will be effective for a two week period beginning on the following Thursday. If Monday is a holiday, the yield will be based on the five business days ending the preceding Friday and the ceiling rate will still be effective on the next Thursday. Although the ceiling rate will be determined bi-weekly, as in the past, the ceiling rate applicable to outstanding deposits will not change during the life of the deposit.

The new ceiling rules will be effective for SSCs issued beginning on Monday, June 2, 1980. Since the average 2½ year yield on Treasury securities, as announced by Treasury on Wednesday, May 28, is 9.05 percent, the ceiling rate effective June 2 will be 9½ percent for thrift institutions and 9¼ percent for commercial banks. This ceiling rate will remain in effect for SSCs issued through Wednesday, June 11. Thereafter, the new ceiling rate will be established bi-weekly each Monday (June 9, June 23, July 7, etc.) and will be effective the following Thursday (June 12, June 26, July 10, etc.). The new rule affects only the establishment of the ceiling rates payable on the SSC and other provisions of the agencies' regulations are not affected by this rule.

These actions were taken by the Committee in order to enable depository institutions to provide depositors with a higher rate of return and to improve the competitive position of depository institutions. In order to facilitate the accomplishment of these objectives as soon as possible, the Committee finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to these actions would be contrary to the public interest and that good cause exists for making these actions effective in less than 30 days.

Pursuant to its authority under Title II of Pub. L. 96–221, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations, and mutual savings banks, the Committee amends Part 1204 (Interest on Deposits) by adding §§ 1204.104, 1204.105 and 1204.106 as follows:

1. Effective June 5, 1980:

§ 1204.104 26-Week money market time deposits of less than $100,000.

Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of 26 weeks, at a rate not to exceed the rates set forth below. Rounding any rate to the next higher rate is not permitted and interest may not be compounded during the term of this deposit.

Rate established (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks issued on or immediately prior to the date of deposit ("Bill Rate")—Maximum percent.

Commercial Banks

7.50 percent or below—7.75.
Above 7.50 percent—Bill rate plus one-quarter of one percent.

Mutual Savings Banks and Savings and Loan Associations

7.25 percent or below—7.75.
Above 7.25 percent, but below 8.50 percent—Bill rate plus one-half of one percent.
8.50 percent, but below 8.75 percent—9.
8.75 percent or above—Bill rate plus one-quarter of one percent.

2. Effective May 29, 1980:

§ 1204.105 26-Week money market time deposits of less than $100,000.

Notwithstanding any other limitations, during the period May 29, 1980 through November 30, 1980, a commercial bank may renew maturing 26-week money market certificates with the same depositor at a rate of interest equal to the ceiling rate of interest payable on such certificates by mutual savings banks and savings and loan associations.

3. Effective June 2, 1980:

§ 1204.106 Time deposits of less than $100,000 with maturities of 2½ years or more.

(a) Beginning on Thursday of every other week, a commercial bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more at a rate not to exceed the higher of one-quarter of one percent below the average 2½ year yield for United States Treasury securities as determined and announced by the United States Department of the Treasury immediately prior to such Thursday, or 9.25 per cent. The average 2½ year yield will be rounded by the United States Department of the Treasury to the nearest 5 basis points. In no event shall the rate of interest paid exceed 11.75 per-cent.

(b) Beginning on Thursday of every other week, a mutual savings bank or savings and loan association may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more at a rate not to exceed the higher of the average 2½ year yield for United States Treasury securities as determined and announced by the United States

Department of the Treasury immediately prior to such Thursday, or 9.50 percent. The average 2½ year yield will be rounded by the United States Department of the Treasury to the nearest 5 basis points. In no event shall the rate of interest paid exceed 12.00 per-cent.

By order of the Committee, May 28, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-17116 Filed 6-4-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 18316, Amdt. 39-3792]

Fokker Model F-27 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires inspections, replacements, and modifications, as necessary, of certain components in Fokker-VFW b.v. Model F-27 airplanes. The AD is needed to detect and prevent certain unsafe conditions for which the foreign airworthiness authority of the country of manufacture has issued appropriate directives. The anticipated entry onto the FAA Registry of Fokker Model F-27 airplaines which are intended for operations in the United States necessitates AD action at this time to ensure that such aircraft possess at least the minimum level of safety required by the regulations.

DATES: Effective July 21, 1980.

Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Service Manager, Fokker-VFW International, b.v., P.O. Box 7600, Schiphol Oost, The Netherlands.

A copy of each of the service bulletins reference on this AD is contained in the rules docket for this amendment in Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Don C. Jacobsen, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington D.C. 20591. Telephone (202) 426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations was published in the **Federal Register** at 43 FR 45376 on October 2, 1978, to require inspections, replacements and modifications of certain components on Fokker-VFW Model F-27 airplanes as necessary to prevent unsafe conditions. The actions proposed were based on notification by the Netherlands Civil Aviation Department (RLD), in accordance with existing provisions of a bilateral airworthiness agreement, of requirements which RLD had imposed upon Netherlands' manufactured and operated Fokker Model F-27 airplanes to correct unsafe conditions. The proposal was prompted by the anticipated entry onto the FAA Aircraft Registry of Fokker Model F-27 airplanes intended for operation in the United States.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Fokker-VFW provided extensive comments updating airplane serial numbers affected and correcting citations to applicable service bulletins. In this connection, paragraphs in this final rule numbered 2, 3, 10, 19, 20, 28, and 48 have been amended to reflect later service bulletin revisions which did not change the required AD accomplishment instructions, but did make other changes of a non-substantive nature. Citation to the later current service bulletins will facilitate obtaining reference material. Paragraphs 5, 11, 46 and 47 incorporate changes to correct serial number applicability, or service bulletin numbers or issue dates that were inadvertently cited in the notice. In paragraph 23, the service bulletin reference has been changed to include an amendment which requires use of an argon-arc welding process instead of a soldering process. The change is intended to eliminate corrosion that could lead to erroneous indication of airspeed and altitude. Paragraph 27 now incorporates revisions of the referenced service bulletin which corrects the procedures for drilling drain holes and corrects the serial numbers of affected airplanes. Paragraph 40 has been amended to reference a service bulletin revision which updates the compliance schedule to make it consistent with particular airplane wing configurations and inspection procedures. Paragraph 41 was amended to include a later revision of the service bulletin which requires inspection of the flanges of the attachment fittings as well as of the fittings themselves. Paragraph 43 deletes references to the F-27 maintenance schedule and inspection guide which are not equivalent to the F-27 directive contained in the referenced service bulletin. Paragraph 53 (item 55 in the notice) proposed compliance within the next 500 hours for specified airplanes. Based on recommendations of the manufacturer and the RLD, the FAA has determined that the compliance time may be increased to 1,000 hours time-in-service. The general compliance time applicable to the other requirements has been changed from 25 hours to 100 hours. The FAA has determined that this will have no adverse effect on safety and will ease the burden of compliance for some operators with some of the requirements of the AD. Finally, based on the comments, proposals numbered 40 and 50 have been withdrawn as unnecessary.

The manufacturer also commented on the language employed in certain items of the NPRM in describing the consequence of the unsafe condition, objecting in several instances to the NPRM's implication that catastrophe could result directly from the condition being addressed whereas, in fact, the stated consequence could only be caused by a progression of failures that might be initiated by the particular condition. The FAA agrees that certain items of the NPRM indicate the ultimate consequence whereas it may be more informative to identify the immediate consequence of the unsafe condition being addressed, and the AD has been revised accordingly. The RLD submitted a comment endorsing the views of the Netherlands manufacturer. Further comments purporting to be from a consultant to Fokker-VFW located in the United States recommended various wording and reference changes along the lines of those submitted by the manufacturer. All comments submitted have been fully considered in the making of this rule.

The FAA is aware of recent interest in F-27 airplanes by U.S. operators and the consequent possible entry of F-27 airplanes onto the U.S. registry. Under different circumstances at the time, such operators may not have been in position to respond timely to the notice published at 43 FR 45376. Accordingly, operators and other interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket,

800 Independence Avenue, SW., Washington, D.C. 20591. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit any comments they wish to make as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airwortbiness directive:

Fokker-VFW b.v. Applies to Model F-27 airplanes, all series, certificated in all categories.

Unless already accomplished, compliance is required within the next 100 hours time in service after the effective date of this AD, except as specifically provided in a numbered paragraph of this AD. However, airplanes may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed.

(1) Applies to airplanes S/N 10105 through 10110. To prevent jamming of the nose landing gear in the retracted position due to leakage of the shock absorber, install cam, P/N 27.1-5101-001-162, at Station 1400 in accordance with the Accomplishment Instructions of Fokker F-27 Modification No. 72, dated April 22, 1959.

(2) Applies to airplanes S/N 10105 through 10108. To prevent partial loss of electrical power capacity in flight due to inadequate attachment of bus bars on panels 1, 2, and 3, modify the bus bar attachment in accordance with the Accomplishment Instructions of Fokker F-27 Modification No. 71, Issue 2, dated September 30, 1959.

(3) Applies to airplanes S/N 10105 through 10119, except S/N 10115. To prevent failure of the nose gear steering system due to trapped air in the steering motor, install by-pass lines with non-return valves over the nosewheel steering circuit follow-up valve in accordance with Fokker Modification No. 86, Issue 2, dated September 14, 1959.

(4) Applies to airplanes S/N 10105 through 10110. To prevent loss of electrical DC generator power inflight as a consequence of a single failure resulting in inadequate grounding of generator master switches, replace the grounding cable serving both switches with two separate grounding cables for the port and starboard generator switches, respectively, in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. J-14, Issue 2, dated October 1, 1959.

(5) Applies to airplanes S/N 10105 through 10110 and 10116, 10118 and 10119. To prevent the loss of electrical DC generator power in flight as a consequence of a single failure resulting in inadequate grounding of the generator control panel, install additional grounding provisions for generator control panels in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. J-19, Issue 2, dated October 1, 1959.

(6) Applies to airplanes S/N 10111 through 10114 and 10120 through 10122. To prevent jamming of an emergency door as a consequence of the guide rollers springing from the guide plates, enlarge the door rollers and strengthen the guide plants in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. B-22, dated October 21, 1959.

(7) Applies to airplanes S/N 10105 through 10122 and 10126 through 10135. To prevent unsatisfactory operation of the control systems for controlling engine power, elevator and rudder trim tabs, gust lock, emergency shut-off valves, and fuel crossfeed, reinforce the attachment of the control cable guide assemblies in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. B-23, dated November 30, 1959.

(8) Applies to airplanes S/N 10105 through 10122, 10127 through 10136, 10138, and 10139. To prevent cracks in the elevator main spar web, which could affect attachment of the elevator outer hinge, reinforce the elevator main spar at station 3979 in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. B-26, Issue 3, dated January 27, 1960.

(9) Applies to airplanes S/N 10105 through 10122 and 10126 through 10141. To prevent fatigue failure of engine control levels, install levers of improved design in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. F5, Issue 3, dated May 30, 1960.

(10) Applies to airplanes S/N 10105 through through 10122, 10126, 10127, 10131 through 10136, 10138, and 10139. To prevent damage to the flap limit switches due to overtravel, relocate the flap system limit switches in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. C-17, Issue 2, dated February 2, 1960.

(11) Applies to airplanes S/N 10109 through 10122 and 10127 through 10135. To prevent asymmetric extension of wing flaps due to certain failures of the mechancial drive system, modify the flap control system in accordance with the Accomplishment Instructions of Fokker F-27 Modification No. 74, Issue 2, dated March 4, 1960.

(12) Applies to airplanes S/N 10105 through 10122 and 10126 through 10140. To prevent reduced control due to play in pilot and copilot control wheels, modify the control wheel attachment provisions in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. C-18, dated February 3, 1960.

(13) Applies to airplanes S/N 10105 through 10122 and 10126 through 10141. To avoid internal short circuits in electrical connectors, replace the connectors with connectors of improved design in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. J-23, Issue 4, dated February 14, 1961.

(14) Applies to airplanes S/N 10105 through 10122 and 10126 through 10141 with elevators not reinforced in accordance with Fokker F-27 Service Bulletin No. B-76. To prevent failure of elevator hinge brackets, which could jeopardize control of the airplane, replace the elevator hinge brackets at Stations 3979 and 2460 in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. B-28, Issue 2, dated July 13, 1960.

(15) Applies to airplanes S/N 10105 through 10122 and 10126 through 10141, having elevators not reinforced in accordance with Fokker F-27 Service Bulletin No. B-76. To prevent cracks in the elevator main spar web, which could affect the elevator center hinge attachment, reinforce the elevator main spar at Station 2460 in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. B-27, Issue 2, dated July 13, 1960.

(16) Applies to airplanes S/N 10105 through 10122, 10126 through 10141, and 10143 through 10148. To prevent undue vibration stresses in propeller blades that could result in failure of a propeller blade in flight, restrict the engine idling speed to values above 7,000 rpm by revising the dial marking on the rpm indicators in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. N-3, dated April 11, 1960.

(17) Applies to airplanes S/N 10105 through 10148. To prevent failure of aileron hinge brackets, inspect the aileron hinge brackets, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. B-32, Issue 4, dated January 18, 1961.

(18) Applies to airplanes S/N 10105 through 10122, 10126 through 10141, 10143 through 10148, 10151, and 10153. To prevent a dormant electrical failure that could result in the inability to extend the landing gear following a single failure in the landing gear electrical control circuit, modify the landing gear electrical control circuit in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletins No. J-26, dated July 26, 1960.

(19) Applies to airplanes S/N 10105 through 10122 and 10126 through 10153. To prevent malfunction of the gust lock/engine interference system that possibly could result in takeoff with the flight controls locked, modify the gust lock system in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. F-9, Issue 2, dated November 24, 1960.

(20) Applies to airplanes S/N 10105 through 10179. To prevent blockage of the pitot-static system due to accumulation and freezing of water, which could cause erroneous indications of airspeed and altitude, modify the pitot-static system in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. N-7, Issue 2, dated May 19, 1961.

(21) Applies to airplanes S/N 10105 through 10188. To prevent deformation of the H.P.C. control lever rub plate, which could impair controllability by preventing feathering of the associated propeller, install a rub plate of improved design in accordance with the Accomplishment Instructions of Fokker F-27 Service Bulletin No. F-11, Issue 2, dated November 27, 1961.

(22) Applies to all Fokker F–27 airplanes incorporating Fokker F–27 Service Bulletin No. H–10. To prevent malfunction of the engine water/methanol system due to malfunction of the non-return valve, P/N 27.1–8420–018–001, which could result in power deficiency during takeoff, dismantle and inspect the non-return valves, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. H–24, dated October 29, 1962.

(23) Applies to airplanes S/N 10105 through 10213. To prevent blockage of the pitot-static system due to the accumulation and freezing of water, which could cause erroneous indications of airspeed and altitude, modify the pitot-static system in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. N–19, dated December 20, 1962, and Amendment No. 1, dated July 15, 1964.

(24) Applies to airplanes S/N 10145 through 10223. To prevent unwanted propeller auto-feathering in flight due to ingress of moisture in electrical connectors V2609 and V2610, install electrical connectors of improved design in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. J–71, dated May 1, 1963.

(25) Applies to all Fokker F–27 airplanes not incorporating Fokker F–27 Service Bulletin No. G–7. To prevent failure of the propeller feathering system due to malfunction of the H.P.C. switches located on the engine firewall, inspect and test the switches, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. G–5, Issue 2, dated October 8, 1963.

(26) Applies to all Fokker F–27 airplanes not incorporating Fokker F–27 Service Bulletin No. B–146. To detect, arrest and to prevent possible internal corrosion of the failsafe steel tubular structures of the empennage, the wing flap track support assembly, and the engine mounts, conduct X-ray inspections, and rectify as appropriate, in accordance with Section A, Planning Information, and Section B, Accomplishment Instructions, of Fokker F–27 Service Bulletin No. B–146, dated July 26, 1963, including Amendment No. 1, dated July 30, 1964.

(27) Applies to airplanes up to and including S/N 10240. To prevent damage of flight control rods due to the accumulation of water and consequent corrosion or bursting due to freezing, inspect the flight control rods, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. C–61, Issue 3, dated October 30, 1964, as amended by Amendment No. 1, dated January 20, 1965, and Amendment No. 2, dated November 24, 1966.

(28) Applies to airplanes S/N 10105 through 10253. To prevent failure of the horizontal stabilizer spar web, inspect the front and rear spar areas for cracks and loose rivets between Station 227.5 LH and RH, rectify as appropriate, and apply structural reinforcement in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. B–150, dated June 18, 1964, and Amendment No. 1, dated January 26, 1965.

(29) Applies to airplanes S/N 10105 through 10274. To prevent fatigue failure of structure supporting the rudder trim tab contol brackets, which possibly could lead to flutter of the trim tab, replace bracket, P/N 27.1–3401–026–005, with a new bracket of improved design, and reinforce the bracket supporting structure, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. B–169, Issue 2, dated June 10, 1965.

(30) Applies to airplanes S/N 10105 through 10274. To prevent fatigue failure of structure supporting the elevator trim tab control brackets, which possibly could lead to flutter of the trim tab, replace bracket, P/N 27.1–3201–041–002, with a new bracket of improved design, and reinforce the bracket supporting structure in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. B–170, dated May 31, 1965.

(31) Applies to airplanes S/N 10249 through 10274 incorporating Fokker F–27 Service Bulletin No. I–26. To prevent failure of the brazed high-pressure tube assemblies, PNEU 370 and PNEU 371, of the pneumatic system (which operates the landing gear, brakes, and nose-wheel steering), modify the pneumatic system in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. I–30, dated July 30, 1965.

(32) Applies to airplanes S/N 10105 through 10293. To prevent jamming of nose gear doors due to deterioration of the door seals, which has resulted in failure to extend the nose gear, inspect the nose wheel door seals, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 53–67, (B–185), Revision 1, dated August 15, 1967.

(33) Applies to airplanes S/N 10105 through 10316. To prevent possible distortion of the horizontal stabilizer nose section, inspect the nose section for damaged sandwich structure, and the attachment angles on the front stabilizer spar for cracks and correct location, and rectify as appropriate, in accordance with the Accomplishment Instructions, Part II, of Fokker F–27 Service Bulletin No. 55–39, (B–204), Revision 3, dated May 15, 1967.

(34) Applies to all Fokker F–27 airplanes not incorporating Fokker F–27 Service Bulletin No. D–56. To prevent failure of the nose gear lock in the extended position due to failure of the light-alloy actuator piston, replace the light-alloy piston with a new stainless steel piston in accordance with the Accomplishment Instructions of Dunlop Service Bulletin No. 36–95, Revision 1, dated October 21, 1966.

(35) Applies to all Fokker F–27 airplanes not incorporating Dowty Rotol Accessory Gearbox Modification No. GB 2294. To prevent failure of an accessory gearbox due to failure of the input bevel gear, which could interrupt electrical and pneumatic power, incorporate an input bevel gear of improved design in accordance with Dowty Rotol Service Bulletin No. 83–291, Revision 2, dated October 1966, or Fokker F–27 Service Bulletin No. 83–12, (E–35), dated May 15, 1967.

(36) Applies to airplanes S/N 10105 through 10264 incorporating Graviner fire extinguisher top caps P/N A126. To prevent malfunction of the engine fire extinguishing systems due to material defects in the top caps, replace top caps, P/N A126, with caps of improved material, identified as P/N A126(2), in accordance with the Embodiment Instructions of Graviner Service Bulletin No. 26–A20, dated September 30, 1964.

(37) Applies to airplanes S/N 10162 through 10355 incorporating a cargo door. To prevent possible failure of the pneumatic system due to inadequate wall thickness of the pneumatic tube located between the main bottle and the pneuamatic panel, replace the pneumatic tube, PNEU 341, with a new tube of increased wall thickness, PNEU 428, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 36–23, (I–33), dated October 2, 1967.

(38) Applies to airplanes S/N 10105 through 10350. To prevent failure of an accessory gearbox from mounting flexible link due to misalignment which could result in loss of power, inspect the flexible links of the gearbox front mountings, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 83–14, dated June 24, 1968.

(39) Applies to all Fokker F–27 airplanes with pneumatic systems incorporating Dunlop Dehydrator (bottle P/N ACM 16773), or Dunlop Oil & Watertrap (bottle P/N ACM 16772), manufactured prior to 1959. (Date of manufacture is marked on bottle). To prevent pneumatic system failure due to stress corrosion of pressurized bottles, replace bottles P/N ACM 16772 and P/N ACM 16773, manufactured prior to 1959 with serviceable bottles of the same part number but manufactured in 1959 or subsequent, in accordance with Dunlop Service Bulletin No. 36–187, Revision 3, dated July 27, 1970.

(40) Applies to all Fokker F–27 airplanes. To detect and repair cracks in the rabbet area of fuel tank access doors of the lower outer wing area, which possibly could reduce structural strength of the wing, inspect for cracks in the areas of the lower wing skin cut-outs of the fuel tank access doors, and rectify as appropriate, in accordance with the Compliance and Accomplishment Instructions of Fokker F–27 Service Bulletin No. 57–46, Revision 5, dated March 1, 1978.

(41) Applies to all Fokker F–27 airplanes not incorporating Fokker F–27 Service Bulletin No. 55–49. To detect and repair cracks and corrosion in fittings which attach the vertical stabilizer to the fuselage, inspect fittings for cracks and corrosion, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 55–48, Revision 2, dated February 7, 1977.

(42) Applies to all Fokker F–27 airplanes that are equipped with AiResearch aileron trim tab actuator (RH), P/N 525458, 540604–1, or 540604–2–1, but that do not incorporate Fokker F–27 Service Bulletin No. 27–105 or AiResearch Service Bulletin F27/20–12. To prevent malfunction of the RH aileron trim tab actuator due to failure of the actuator setscrew, which possibly could reduce the airplane's lateral trim capability, modify the RH aileron trim tab actuator in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 27–105, dated October 19, 1973.

(43) Applies to all Fokker F–27 airplanes. To detect and repair corrosion and cracks in fittings which attach the rear spar of the horizontal stabilizer to the fuselage, inspect fittings for cracks and corrosion, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 55–50, dated March 22, 1974.

(44) Applies to airplanes S/N 10446 through 10504 incorporating passenger interior. To prevent unwanted unlatching of the hatrack service panels as the result of a hard landing which could cause consequent possible interference in an emergency evacuation situation, install panel fasteners of improved design in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 25–40, dated August 8, 1974.

(45) Applies to Fokker F–27 airplanes incorporating an engine mount P/N 27.1–8101–000–403 with a serial number between 590 and 725. To prevent failure of the engine mount due to use of improper material when manufactured, inspect the engine mount upper tubes for cracks adjacent to the welds, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 71–25, Revision 1, dated January 30, 1975.

(46) Applies to airplanes S/N 10105 through 10522. To prevent cable slippage from drum of aileron control due to inadequate flange on aileron cable drum, inspect cable drums, P/N 27.1–5133–002–702, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 27–109, Revision No. 1, dated October 4, 1976.

(47) Applies to airplanes S/N 10105 through 10516 incorporating aileron control rod P/N 27.1–1333–004. To prevent possible disconnection of an aileron control rod from the differential sector due to failure of the control rod bearing, install washers and bearings of improved design in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 27–110, Revision 1, dated February 16, 1976.

(48) Applies to airplanes S/N 10512 and below incorporating the large cargo door. To prevent unwanted opening of the large cargo door in flight due to wear and distortion, inspect the locking and signaling provisions, and rectify as appropriate, in accordance with Part I of the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 52–55, Revision 1, dated December 22, 1975, and reinforce the door stiffening profile in accordance with Part II of that Service Bulletin.

(49) Applies to airplanes S/N 10529, 10534, 10536 through 10541, having IPECO crew seats not incorporating IPECO Service Bulletin No. A001–25–2. To prevent unwanted movement of crew seats in flight due to wear of the track lock stopblock, incorporate track lock stopblocks of improved design in accordance with the Accomplishment Instructions, Part II, of Fokker F–27 Service Bulletin No. 25–43, dated September 6, 1976.

(50) Applies to airplanes S/N 10505 and 10507 through 10515. To prevent instability of the DC generator control system due to interaction with the static inverters, which could result in malfunction of required navigation and communication equipment, modify the AC lighting conversion system in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 24–63, dated October 11, 1976.

(51) Applies to airplanes S/N 10408 through 10510. To prevent loosening of the aileron stops due to improper design, which possibly could adversely affect aileron deflection and lateral control, modify the aileron stop installations in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No.27–112, dated October 18, 1976.

(52) Applies to airplanes S/N 10458 and below not incorporating Fokker F–27 Service Bulletin No. 36–26 (Dunlop Service Bulletin No. 36–156). To prevent possible failure of pneumatic system due to cracking of isolating valve bodies P/N ACM 16724 or ACM 26573, which could deprive the airplane of normal wheel braking and nosewheel steering, modify the isolating valve body in accordance with the Accomplishment Instructions Fokker F–27 Service Bulletin No. 36–26, dated June 13, 1977, or Dunlop Service Bulletin No. 36–156, Revision 4.

(53) Applies to all Fokker F–27 airplanes that have accumulated more than 10,000 flights. Compliance required within the next 1000 hours time in service after the effective date of this AD. To prevent possible fatigue cracks and loose rivets in the upper surface of the RH horizontal stabilizer torsion box, inspect the torsion box structure, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 55–53, dated October 3, 1977.

(54) Applies to airplanes S/N 10505 through 10521, 10525 through 10531, 10534 through 10557, 10559, and 10561 through 10564. To prevent loss of the main instrument panel fluorescent lighting system due to short circuiting, inspect the fluorescent lamps, and rectify as appropriate, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 33–24, dated January 30, 1978.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Service Manager, Fokker-VFW International, b.v., P.O. Box 7600, Schiphol Oost, the Netherlands. These documents may also be examined at the Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C. and at Brussels, Belgium.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89))

Note: The FAA has determined that this document involves a regulation which is not considered to be significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on May 27, 1980.

M. C. Beard,

Director, Office of Airworthiness.

Note: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 80–16930 Filed 6–4–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80NE–09; Amdt. 39–3786]

Sikorsky S–76A Helicopters Certificated in All Categories; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment to Airworthiness Directive (AD) 80–06–01, which was previously made effective as to all known operators of the Sikorsky S–76A helicopters certificated in all categories, by individual telegrams. The amended AD requires more stringent inspection time intervals and a change in the area of inspection. The amendment is needed because the FAA has determined that the inspection interval specified in the existing AD is inadequate based on results of a metallurgical examination of a cracked main transmission support beam and on engineering analyses.

DATES: Effective June 5, 1980, as to all persons except those persons to whom it was made immediately effective by the telegram dated April 10, 1980.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Stephen J. Soltis, ANE–212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273–7336.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3709, 45 FR 15174, AD 80–06–01, which required, on aircraft with more than 300

hours time in service, visual inspection for cracks in the main transmission support structure, at intervals not to exceed 30 hours time in service. Replacement of this component, prior to further flight, was also required if cracks were found. After issuing Amendment 39-3709, the FAA determined that more stringent inspection time intervals and a change in the area of inspection were required. This determination was based on metallurgical examination of a cracked main transmission support beam and engineering analyses. Therefore, as an interim action, on April 10, 1980, telegraphic AD T80NE-20 was issued and made effective immediately to all known United States operators of the Sikorsky S-76A helicopter. This telegraphic AD required that, on aircraft with more than 200 hours time in service, the main transmission support structure must be visually inspected prior to the next flight and at 10-hour intervals thereafter.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately to all known United States operators of Sikorsky model S-76A helicopters by individual telegrams dated April 10, 1980.

Since a situation still exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-3709, 45 FR 15174, AD 80-06-01, as follows:

(1) By revising paragraph (1) to read:

"1. For aircraft with more than 200 hours time in service, compliance required at intervals not to exceed 10 hours time in service to prevent operation with a cracked main transmission support structure."

(2) By revising paragraph (a) to read:

"a. Remove the 76205-08001 main gearbox fairing assemblies to obtain access to the 76209-03001 -041 and -042 main transmission support structure fittings."

This amendment becomes effective June 5, 1980, as to all persons except those persons to whom it was made immediately effective by the telegram dated Aprjl 10, 1980, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

A historical file on this AD is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

Note: Due to the emergency nature of this AD, it is impracticable to follow the regulatory procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). In accordance with the DOT guidelines, a regulatory evaluation has been prepared and will be placed in the public docket for this action.

Issued in Burlington, Mass., on May 21, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80-16932 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-SO-15; Amdt. No 39-3783]

Piper Aircraft Corp. Model PA-44-180; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the replacement of the nose landing gear downlock hook and bushing with an improved part on certain Piper Model PA-44-180 aircraft. The AD is needed to prevent failures of the downlock hook which could result in nose landing gear retractions during landing rollout and ground operations.

DATES: June 3, 1980.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Piper Service Bulletin and Service Kit may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (A/C 707) 748-6711.

A copy of the Service Bulletin and Service Kit is also contained in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been reports of failures of the downlock hook which could result in nose landing gear retractions during landing rollout and ground operations on certain Piper PA-44-180 aircraft. This AD requires the replacement of the nose landing gear downlock hook and bushing with an improved part. Since this situation is likely to exist or develop on other aircraft of the same type design, an Airworthiness Directive is being issued which requires replacement of the nose landing gear downlock hook and bushing with an improved design on certain Piper PA-44-180 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Applies to Model PA-44-180, Serial Numbers 44-7995001 through 44-8095020, airplanes certificated in all categories.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent nose landing gear retraction during landing rollout or ground operations, accomplish the following:

a. Replace the nose landing gear downlock hook and bushing in accordance with Piper Aircraft Corporation Service Bulletin No. 678, dated March 24, 1980, and Piper Service Kit No. 764-010V, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

b. Make appropriate maintenance record entry.

This amendment becomes effective June 3, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under

the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Ga., on May 20, 1980.

W. B. Rucker,

Acting Director, Southern Region.

[FR Doc. 80-16933 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-7-AD; Amdt. 39-3784]

Lockheed L-188 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently effective telegraphic Airworthiness Directive (AD) which requires repetitive inspections of the cargo door structure on certain Lockheed L-188 series airplanes, (modified by Supplemental Type Certificate). This amendment provides additional requirements including modification of the door warning circuit, installation of structural reinforcements and rigging. This amendment is needed to prevent rapid decompression and loss of cargo door.

DATES: Effective June 9, 1980. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Lockheed Aircraft Service Company, Ontario International Airport, Ontario, California 91761, P. O. Box 33.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P. O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: Telegraphic AD Numbers T80WE-10 and T80WE-11 were issued on February 15 and 22, 1980 respectively, to require all Lockheed L-188 aircraft modified per STC Numbers SA1754WE, SA1831WE or SA2536WE to be operated unpressurized until accomplishment of an inspection per Lockheed Alert Bulletins 88/LAS-1A and 88/LAS-1B pertaining to the cargo door at the upper end of the door frames, at the door frame-to-loop attach holes, the upper attaching loops, and the lower sill.

Subsequent to the issuance of Telegraphic AD T80WE-11 the FAA has determined that certain preventable circuit failures will render the door warning system inoperative. The supplemental type certificate holder has developed and FAA approved modification of the circuitry which corrects this condition, and has also designed a door structural reinforcement providing a resolution of the original door failure problem. Both of these corrective actions are described in a Lockheed Aircraft Service Company Alert Service Bulletin 88/LAS-1C dated March 24, 1980. Therefore the FAA is superseding Telegraphic AD's T80WE-10 and T80WE-11 by the issuance of this AD which requires repetitive inspection of the cargo door when the aircraft is operated in pressurized mode, incorporation of door structural reinforcement which significantly extends the inspection intervals required by this AD, and modification of the door warning electrical circuit.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Lockheed-California Company: Applies to all Model L-188A and L-188C airplanes incorporating Supplemental Type Certificate SA1754WE or SA1831WE or SA2536WE, (cargo door modification), certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent rapid decompression, door warning failure or loss of cargo door, accomplish the following:

(a) Within 15 hours' time in service from the effective date of this AD except for those persons to whom it was made effective earlier by telegraphic AD T80WE-11 dated February 22, 1980, install a placard in plain view of the flight crew reading: "Pressurized Flight Prohibited", or:

(b) Inspect each cargo door and door sill by visual, magnetic particle, and dye penetrant methods per the instructions specified in paragraph B of Lockheed Alert Bulletin 88/LAS-1A, dated February 14, 1980, and per paragraph B of Lockheed Alert Bulletin 88/LAS-1B, dated February 21, 1980. Repair as required.

(c) The placard prohibiting pressurized flight may be removed after the accomplishment of paragraph (b) of this AD.

(d) For aircraft operated in the pressurized mode, prior to 1,000 hours' additional time in service since the last such inspection required by paragraph (b) of this AD, install cargo door structural reinforcements in accordance with Lockheed Aircraft Services Drawing 4036900 (No change), re-rig the cargo door per Lockheed Aircraft Services Drawing 4036982, Revision B, (after installation of reinforcements per Drawing 4036900), and inspect per paragraph C of Lockheed Alert Bulletin 88/LA5-1C dated March 24, 1980 within 5,000 hours' additional time in service since door modification and thereafter at intervals not to exceed 5,000 hours' time in service since the last such inspection.

(e) For aircraft operated either pressurized or unpressurized, prior to the accumulation of 1,000 hours' additional time in service from the effective date of this AD, rewire the cargo door warning light circuitry in accordance with Lockheed Aircraft Services Drawing 4036666, Revision D.

(f) For aircraft operated in the unpressurized mode, prior to the accumulation of 5,000 hours' additional time in service from the effective date of this AD, install cargo door structural reinforcements in accordance with Lockheed Aircraft Services Drawing 4036900 (No change), re-rig the cargo door per Lockheed Aircraft Services Drawing 4036982, Revision B, (after installation of reinforcements per Drawing 4036900), and inspect per paragraph C of Lockheed Alert Bulletin 88/LA5-1C dated March 24, 1980, within 5,000 hours' additional time in service since door modification and thereafter at intervals not to exceed 5,000 hours' time in service since the last such inspection.

(g) Alternative inspections, modifications of other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment supersedes Telegraphic AD T80WE-11 dated February 22, 1980.

This amendment becomes effective June 9, 1980.

(Secs. 313.(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and CFR 11.89]

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, Calif., on May 21, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-16934 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-21-AD, Amdt. 39-3785]

McDonnell Douglas DC-6 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action supersedes an Airworthiness Directive (AD) which was previously made effective to known operators of McDonnell Douglas DC-6 aircraft by telegraphic message dated April 2, 1980. This AD is necessary because of cracks in the lower wing skin and stringer cracks which result in the loss of structural strength.

DATES: Effective June 9, 1980. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications and Training C1-750 (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: Emergency telegraphic AD T80WE-18 was issued on April 2, 1980 to known operators of McDonnell Douglas DC-6, DC-6A, DC-6B, R6D and C-118 series aircraft. This AD was necessary because of reports of cracks in the lower wing skin, stringers and fittings which result in the loss of structural strength. AD T80WE-18 required external dye penetrant inspections and, if cracks were found, an extensive visual internal inspection.

Subsequent to the issuance of AD T80WE-18 the FAA has learned that the internal visual inspection may not detect all of the cracks. Therefore, the FAA is superseding AD T80WE-18 with this amendment to require an extensive X-ray, internal visual, and partial external dye penetrant inspections.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-6, DC-6A, DC-6B, R6D and C-118 series aircraft certificated in all categories, with 30,000 hours' or more total time in service.

Compliance required as indicated.

To prevent loss in strength capability of the wing due to lower wing fitting, stringer and skin cracks, accomplish the following:

(a) Within the next ten hours' time in service after the effective date of this AD, or within 25 hours' time in service from the last inspection conducted in accordance with this paragraph and thereafter at intervals not to exceed 25 hours' time in service, until inspected in accordance with paragraph (c), inspect by dye penetrant or equivalent the left and right hand wing lower surface six inches inboard and outboard of wing stations 96, 127, 138 and 179 from the front spar to the center spar.

(b) If cracks are found, before further flight,

(1) Accomplish the inspection required by paragraph (c), and

(2) Repair cracks in accordance with Douglas Structural Repair Manual or other repair data approved by the Chief, Aircraft Engineering Division, FAA Western Region, and

(3) At intervals not to exceed 500 hours' time in service from the last inspection in accordance with paragraph (c) repeat the inspections required by paragraph (c).

(c) Within 100 hours' time in service after the effective date of this AD, unless previously accomplished within the last 400 hours' time in service and thereafter at intervals not to exceed 500 hours' time in service from the last inspection required by this paragraph, using procedures approved by FAA Principal Maintenance Inspector,

(1) Inspect by X-ray, the left and right hand lower wing skin, stringers and fittings between wing station 60 to 130 and 167 to 185, from the front spar to the center spar, and

(2) Clean and visually inspect with a 4X magnification in the nacelle area internally between wing stations 130 and 167, from the front spar to the center spar, and

(3) Clean and inspect by dye penetrant or equivalent external skin surface six inches inboard and outboard of wing station 96, from the front spar to the center spar.

(4) Repair cracks prior to further flight in accordance with Douglas Structural Repair Manual or other repair data approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Within 72 hours after the inspections required by this AD, report in writing the results to the Chief, Aircraft Engineering Division, AWE-100 FAA Western Region giving the following information:

(1) Aircraft factory serial number and registration number.

(2) Flight hours at the time of the inspection.

(3) Landing or flight cycles, if available.

(4) Inspection method used.

(5) Crack description including length, wing station, stringer number, or fitting part number.

(e) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment supersedes emergency telegraphic AD T80WE-18.

This amendment becomes effective June 9, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, Calif., on May 21, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-16935 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-WA-7]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the New York, N.Y., transition area in order to redesignate two small portions of uncontrolled airspace as controlled airspace because of the inadvertant effect of a recent rulemaking. The intent of Airspace Docket No. 78-EA-60, published on March 20, 1980, was to eliminate duplication of airspace under the New York Modernizating Plan implemented in 1978. However, upon charting that action under the new description two small areas were no longer included in the controlled airspace. This action is taken to correct that omission.

EFFECTIVE DATE: June 5, 1980.

FOR FURTHER INFORMATION CONTACT:
Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the New York Transition Area. On March 20, 1980, Airspace Docket No. 78-EA-60 (45 FR 17948), effective May 15, 1980, was published in the **Federal Register.** Inadvertently, we failed to amend the description of the New York Transition Area, which then overlaid, in part, the New Jersey transition area. Upon charting, two small areas of uncontrolled airspace appeared in the 1,200 foot floor. Therefore, in order to ensure air safety within the transition areas, it is necessary for the New York Transition Area to be amended immediately to restore those areas as controlled airspace and thereby conforming to the original intent of Airspace Docket No. 78-EA-60. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 445). Since this amendment is in the interest of public safety and under the circumstances presented, there is an immediate need for flight safety and security benefits of this minor modification to the airspace in the affected area. Accordingly, I find that notice and public procedure thereon are impractical and unnecessary and the good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective June 5, 1980, as follows:

Under New York, N.Y. "That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 41°19'00"N., Long. 74°00'00"W., to Lat. 41°12'00"N., Long. 74°00'00"W., to Lat. 41°11'00"N., Long. 74°09'00"W., to Lat. 41°08'10"N., Long. 74°13'00"W., thence northwesterly along the boundary of the State of New Jersey to Lat. 41°17'45"N., Long. 74°33'15"W., to Lat. 41°19'00"N., Long. 74°33'00"W., to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 40°30'00"N., Long. 73°36'00"W.; thence east along Lat. 40°30'00"N., to the northwest edge of V-139, thence southwest along the northwest edge of V-139 to Lat. 40°12'55"N., Long 73°19'00"W.; to Lat. 40°14'15"N., Long. 73°30'30"W., to Lat. 40°21'45"N., Long. 73°40'45"W., to Lat. 40°16'35"N., Long. 73°47'30"W.," is deleted and

"That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 41°19'00"N., Long. 74°00'00"W., to Lat. 41°12'00"N., Long. 74°00'00"W., to Lat. 41°11'00"N., Long. 74°09'00"W., to Lat. 41°08'10"N., Long. 74°13'00"W., thence northwesterly along the boundary of the State of New Jersey to Lat. 41°17'45"N., Long. 74°33'15"W., to Lat. 41°19'00"N., Long. 74°33'00"W., to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 40°30'00"N., Long. 73°36'00"W.; thence east along Lat. 40°30'00"N., to the northwest edge of V-139, thence southwest along the northwest edge of V-139 to Lat. 40°12'55"N., Long 73°19'00"W.;" is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on May 28, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-16903 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 249

[Reg. ER-1174, Amdt. No. 30 to Part 249]

Preservation of Air Carrier Accounts, Records and Memoranda; Approval by the General Accounting Office; Correction

AGENCY: Civil Aeronautics Board.

ACTION: Erratum to final rule.

SUMMARY: This erratum corrects a final rule which gave notice that the General Accounting Office has approved the recordkeeping requirements contained in the regulations concerned with Preservation of Air Carrier Accounts, Records and Memoranda (45 FR 31059, May 12, 1980).

DATES: Adopted: April 30, 1980. Effective: April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
Clifford M. Rand, Chief, Data Requirements Division, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-6042.

Erratum

In FR Doc. 80-14441 published at 45 FR 31059, May 12, 1980, the note incorrectly included three sections which have been deleted by the Board. The amendment should read:

Accordingly, the Civil Aeronautics Board amends Part 249 of its Economic Regulations (14 CFR 249) by revising the note at the end of Part 249 to read:

Note.—The recordkeeping requirements contained in sections 249.3, 249.7, 249.8, 249.9, 249.11, 249.12, and 249.13 have been approved by the U.S. General Accounting Office under B-180226 (R0295).

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17098 Filed 6-4-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 260

[Docket No. RM80-20; Order No. 88]

Order Revising Report of Gas Supply and Requirements

May 30, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) revises Form No. 16, "Report of Gas Supply and Requirements" (18 CFR 260.12). The revisions reduce the number of schedules contained in the form, and change the format of the schedules and the instructions which accompany them. The changes in Form No. 16 reflect the results of an ongoing validation program to reduce reporting burdens placed on companies subject to Commission jurisdiction.

EFFECTIVE DATE: June 30, 1980.

FOR FURTHER INFORMATION CONTACT:
Robert Schroeder, Office of Pipeline and Producer Regulation, Curtailment Branch, Room 7300-B, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8828.

Revision of FERC Form No. 16, Report of Gas Supply and Requirements

A. Background

Form No. 16 "Report of Gas Supply and Requirements" is submitted on a semiannual basis by natural gas companies making sales in interstate commerce pursuant to an order of the Federal Energy Regulatory Commission (Commission).[1] The form shows system-wide summary information of a pipeline's gas supplies, requirements and curtailments. The Commission uses the information from Form No. 16 to provide for emergency sales and certificates and to review curtailment plans and revisions.

On January 18, 1980, the Commission issued a Notice of Proposed Rulemaking to revise Form No. 16, "Report of Gas Supply and Requirements" 45 FR 5309 (January 23, 1980). This rulemaking amends the content, format and instructions of Form No. 16. It is part of the Commission's ongoing validation program, the purpose of which is to eliminate unnecessary reporting burdens on the industries regulated by the Commission. The rulemaking also revises the Form No. 16 definitions and data requests to conform to recent regulations which implement the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3422).

By that Notice, the Commission proposed to reduce the number of schedules which must be filed from ten to eight by revising the schedules and renumbering them so that Schedules 1 through 4 would depict 12 months of actual experience and Schedules 5 through 8 would depict corresponding data for 12 months of projected or anticipated data. Thus, the proposed list of new Schedules was as follows: Schedule No. 1 [2] (Summary of Actual Supply, Requirements and Net Deficiency or Surplus); Schedule No. 2 (Actual Sources of Supply Adjusted for Losses); Schedule No. 3 (Actual Storage Operations); Schedule No. 4 (Actual Deliveries, Requirements and Net Deficiency or Surplus by Customer); Schedule No. 5 (Summary of Projected Supply, Requirements and Net Deficiency or Surplus); Schedule No. 6 (Projected Sources of Supply Adjusted for Losses); Schedule No. 7 (Projected Storage Operations); Schedule 8 (Projected Deliveries, Requirements and Net Deficiency or Surplus by Customer).[3]

The Commission also proposed to consolidate, clarify and expand the instructions of Form No. 16 to provide respondents with better guidelines on general filing requirements, definitions, and line items on a schedule-by-schedule basis. Some important changes in the proposed instructions included: replacing the term "curtailment" with the phrase "net deficiency or surplus" of the pipeline (this would be the difference between "net available for market" [4] from the pipeline and "pipeline requirements"); the elimination of the requirement to report monthly volumes on an average daily basis; and the use of more subtotals to overcome past problems users have had with inconsistencies within and among schedules.

Finally, format changes were proposed to each respondent preparation and to facilitate both public and regulatory uses of the data. These changes included reserving certain columns of each schedule for the reporting of monthly volumes; assigning unique schedule numbers to overcome the present ambiguity of using the same schedule number for both actual and projected data; and reordering the schedules so that there would be a progression from highly aggregated data to supporting detail.

The Commission also proposed to amend those regulations which reference Form No. 16. Section 260.12(a) would be amended to designate Form No. 16 as "FERC Form No. 16." Section 260.12(b) would be revised to reflect the necessity of filing an original and six copies with the EIA. A new section 260.12(c) would be added to provide for waiver of filing for those companies which show that there is good reason for them not to file the form. This provision conforms to past Commission practice respecting the filing of Form No. 16.

B. Summary of Comments and Changes to Form No. 16

In response to the proposed rulemaking, the Commission received ten comments.[5] Of these, nine were natural gas pipelines which are required to file the form [6] and one was an industry association. The general reaction to the rulemaking was favorable. A number of changes were suggested by commenters, many of which have been incorporated into Form No. 16, as discussed below.

1. *General Comments.* In addition to their remarks on the specific schedules of Form No. 16, the commenters to the proposed rulemaking filed remarks in three general areas: (1) the timing of implementation of the revised Form No. 16 and subsequent filing dates; (2) the burden imposed by certain revisions to the form; and (3) technical changes.

a. *Filing Dates.* The Commission has designated September 30, 1980 as the filing date for the initial submittal of the revised Form No. 16.[7] The general instructions provide, as they did in the original Form No. 16, that subsequent filings will be due on April 30 and September 30 of each year so that the information in the form can be used by the Commission in planning for the heating season.

Pipelines which purchase gas from other pipelines argued that it is extremely difficult to get the information necessary to complete the form by the April 30 and September 30 deadlines, and that an additional 15 days is needed to report this data. Under these circumstances, the pipelines may apply for an extension in their filing period as provided in the Commission's regulations at 18 CFR 1.13.

b. *Burden.* Only two commenters claimed that the proposed form created a net additional reporting burden by the inclusion of new data requirements. The main objection related to the transportation of self-help gas and is addressed in detail later in this section.

One other complaint was that the schedule-by-schedule instruction in Form No. 16 for peak day information represented an unnecessary increase in the reporting burden. Several pipelines also stated that the proposed Form No. 16 required the same peak day information that is elicited in Form No. 2.[8]

The Commission believes that the peak day data supplied in Form No. 2 are less specific than those of Form No.

[1] Form No. 16 was initially promulgated in Order 489, Docket No. R-472, 38 Fed Reg. 23516 (August 31, 1973), 50 FPC 561 (1973), it was revised in Order 523, Docket No. R-472, —*Fed. Reg.* —(———, 1975), 53 FPC 352 (1975).

[2] The Schedules of Form No. 16 are identified by Roman numerals on the actual form. They are identified by Arabic numerals in this rulemaking.

[3] Form No. 16 is comprised of eight actual schedules. A ninth schedule was added in response to comments requesting additional space for footnotes to their responses.

[4] "Net available for market" has been changed to "net available for sale" pursuant to a request in the comments. *See* discussion at B(2)(a), *infra.*

[5] Arkansas Louisiana Gas Company, Columbia Gas Transmission Corporation, EL Paso Natural Gas Company, Natural Gas Pipeline Company of America, Tennessee Gas Pipeline Company, Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Northern Natural Gas Company, Southern Natural Gas Company, and Interstate Natural Gas Association.

[6] A total of 52 natural gas pipelines are now required to file FERC Form No. 16.

[7] Several commenters indicated that they could not file the new Form No. 16 by the proposed filing date of April 30, 1980. Therefore, the date was changed from April 30, 1980 to September 30, 1980. *See* "Notice of Change in Proposed Implementation Date," Docket No. RM80-20 (Mar. 20, 1980), 45 *Fed. Reg.* 19565 (Mar. 25, 1980).

[8] Form No. 2 is the "Annual Report for Natural Gas Companies (Class A and Class B)", 18 CFR 260.1.

16; however, to reduce the respondent reporting burden while securing the most important data, all peak day information proposed for the new Form No. 16 as well as peak day data in the original Form No. 16 has been eliminated.

One comment claimed that Form No. 16 duplicates the information required in EIA Form No. 50, "Alternate Fuel Demand Due to Natural Gas Curtailment." While the Commission finds that a few items of information requested in Form No. 16 are similar to those of Form No. 50; Form No. 50 requires information from distributors which are based on gas supplies from the distributor's sources, including all different pipelines. Form No. 16 only gathers information from individual pipelines. Since it is difficult or impossible to segregate many of the data elements of the various pipelines included in Form No. 50, Form No. 16 will continue to be used to gather this information.

Several comments asserted that the additional data requests of lines 13, 14, and 15 of Schedules 1 and 5 concerning self-help gas transported to the respondents' customers [9] are too burdensome. Information is requested for certain exempted purchases, direct assignments or other purchases by the respondent pipeline's customers which are transported by that pipeline. Some respondent pipelines claimed that the requested information is difficult to obtain from their customers and that the Commission is in a better position to secure that information from customers.

The Commission finds that these exempted purchases and transportations of gas must be monitored in the context of overall supplies of the customers of a pipeline system. Form No. 16 is the only available form which provides monthly data on such transactions as compared to other pipeline supplies to their customers. The pipelines are in the best position to report this information from the customers since they have to record total deliveries to their customers. Because the Commission regulates the pipelines and not their customers, the Commission should look to the pipelines for the required information. Furthermore, this method of collecting customer information has been used successfully since 1973 by pipelines for Form No. 16 collections and is the most efficient way to link such transactions to particular pipelines. Of course, if no self-help information is available, no entry of such data can be made.

[9] The purpose of the requirement is to determine the extent to which a pipeline's customers are able to acquire supplemental gas supplies.

It was suggested that transportations for customers reported on lines 13, 14, and 15 which are less than 10 MMcf per month should be aggregated to reduce the reporting burden. The Commission has deleted the requirment to report individual transaction volumes to ease the burden and has done so for all transactions. It only requires that the buyer and seller of each transaction be identified.

c. *Technical Changes.* Some commenters stated that they would prefer to use a dekatherm basis instead of Mcf to reply to Form No. 16. The general instructions provide that dekatherms may be used if the pipeline supplies with the form a factor based on average heat content so that conversion may be made to Mcf.

Some commenters asserted that Form No. 16 provided insufficient space for reporting certain classes of data. A provision has been included whereby details may be filed in support of the summary data as attachments to Schedules 1 through 8. For the convenience of certain respondents, the Commission has included an instruction which permits pipelines to use a computerized format which follows the format of Form No. 16. However, total and subtotal line numbers should be identical to the original form.

Some commenters noted that the form required the reporting of company code numbers, without specifying the standard for which the codes would be used by respondents. The Commission has, therefore, amended the general instructions to provide that the pipelines use the publication, *Buyer/Seller Codes*, where possible.

Since some of the gas transported for customers is not actually delivered to them because the gas is lost or used as a compressor fuel by the pipeline, an instruction has been added to require that the respondent pipelines shall report only those transportation volumes actually delivered to the customers.

2. *Changes to Particular Schedules.*—a. *Schedules 1 and 5.* Several comments pointed out that more than one case docket may be associated with anticipated new gas suppplies reported on Schedules 1 and 5. The words "docket number" on Attachment I have, therfore, been changed to "docket numbers".

The Commission also adopted the suggestion that pipelines which discuss anticipated new supplies may use footnotes that indicate all regulatory approvals necessary to attach new gas sources.[10]

Another suggestion that has been adopted by the Commission was to change the line 10 ("Net Available for Sale") provision of the subtotals of "line 04 less line 09", to "line 04 plus line 09" since the line 09 figure may be either positive or negative.

One comment requested that a section be added to report adjustments such as hurricanes, pipeline breaks and cutbacks. Line 05 "(Loss of Supply") should be used to report such adjustments.

The suggestion has been adopted whereby reports of imbalances in the transportation of gas are included on line 07 which reports imbalances in exchanges of gas.[11]

Some comments suggested certain changes for line 11, which provides for the reporting of pipeline requirements currently utilized to allocate gas. The proposed instructions provided that pipelines may define their requirements based on: (1) a base period curtailment plan; (2) current contractual obligations; or (3) an actual survey of customers' requirements. They also suggested that all pipelines either use the same method of reporting, or that these choices should be modified. The Commission has decided to retain the three choices, with a modification to choice (c). Choice (c) now reads: "Actual survey or current estimate of customers' requirements."

Two comments expressed the opinion that customer storage activity should not be included on line 08 and that only storage volumes available as pipeline system supply should be reported there. One company explained that its storage operation is dual in nature: storage is dedicated for specific customer storage services as well as for system storage purposes. The comment stated that the inclusion of customer storage activity on line 08, as provided in the proposal, distorts the total amount of system supply and deficiency.[12] The Commission adopted the recommendation that the amount to be shown on line 08 shall be taken from a new line 05 on Schedules 3 and 7 ("Net

[10] The Commission had inadvertently omitted parentheses on lines 05 and 06 on which volumes that consistently reduce supply are reported. These have been added to the form.

[11] Gross transportation volumes are to be reported on lines 13 through 18—not included as supply on lines 01 through 10 (Pipeline Supply).

[12] During the summer, customers inject gas into their storage accounts rather than take actual physical delivery of the gas into their system. Therefore, a lesser supply than available is reflected, and this overstates the deficiency. During the winter, customers withdraw gas from their storage accounts and a greater supply than available is reflected, and this understates the deficiency.

Respondent Storage Activity"—line 03 minus line 04). Line 05 will thus reflect only that storage which is used by the respondent to augment its system supply.

It was also noted that if customer storage activity is not reported in line 08, the resulting amount shown on line 10 would, in fact, represent net supply available for sale to customers by the respondent. Line 10 has, therefore, been changed from "Net Available for Market" to "Net Available for Sale." A suggestion was also accepted to add two additional lines to show what gas is available for market in the customers' market area. As a result, existing line 12 ("(Deficiency) or Surplus"—line 10 minus line 11) was renumbered as line 12a, and the new lines 12b and 12c were respectively called "Net Customer Storage (Injection) or Withdrawal"—line 04, Schedule 3; and "Net Deliveries to Customers"—line 10 plus line 12b.

One respondent requested clarification of the type of volumes to be included in line 18, "Other Transportations Not Reported Elsewhere." Line 07 ("Exchange/ Transportation Gas Received or (Delivered)") contains only net volume differences in transportations; therefore, the gross transportation volumes for parties other than customers should be reported on line 18.

b. *Schedules 2 and 6.* One comment argued that the gas production data requested in Schedules 2 and 6 are the same as those required in Form No. 2. The two forms are not comparable since Form No. 16 requires information on a monthly basis and Form No. 2 is designed to collect data on an annual basis with no monthly breakdown except for storage. Also, unlike Form No. 16, Form No. 2 has no provisions to require the reporting of projected data, which is needed by the Commission in planning for anticipated problems which may result from inadequate gas supplies during the winter season. Supply and sales data on Form No. 2 are reported on a calendar year basis and cannot be related to the heating season as can the spring and fall reports of Form No. 16. Furthermore, the Form No. 2 data does not reflect a full storage cycle (April through March) as does Form No. 16. Finally, the field-by-field breakdown of Form No. 2 is currently under study by Commission staff for revision, so Form No. 16 will be the only form which collects this information.

One comment inquired whether the term "offshore production" meant state as well as Federal production. The Commission has clarified in the instructions the term to mean only Federal offshore production.

A request was made to clarify who is to report "imports" as that term is used in Schedules 2 and 6. The instructions have been amended in lines 10 to 13 to provide that imports should be reported by the pipeline company which receives the gas as a supply source, i.e., the pipeline-consumer.

Two comments claimed that the requirement in Schedules 2 and 6 to report sources of gas supply on a state-by-state basis would create an increased and unnecessary burden because source data are now reported by "pools" which often cross state lines. The Commission uses the state-by-state breakdown as a means to standardize the reporting of gas sources by the pipelines so as to allow comparisons and trend analyses of sources. A provision in the instructions has been added, to allow pipelines to make their reports by field and list all of the states wherein the field is located if they have fields that are not susceptible to segregation by state.

A request was made to clarify the term "contract volume" in Schedules 2 and 6 (line 02, and Attachment II), since some pipelines do not have monthly contracts. The instructions for line 02 have been changed to provide that the monthly contract volume should be the maximum volume allowed under the existing contract so that the 12-month total does not exceed the annual contract or the maximum annual volume that can be purchased from the pipeline supplier.

c. *Schedules 3 and 7.* The proposed instructions provided that "working gas in place on November 1 should reflect the actual level" of the preceding year and forecasted level for the projected year.

Pursuant to a request for clarification, the instructions have been amended to provide that working gas in place on November 1 should reflect the actual level at the November 1 date of the actual reporting period (Schedule 3) and the forecasted level at the November 1 date of the projected reporting period (Schedule 7).

One comment complained that working gas in place on November 1 of each year is already reported in Form No. 8 ("Underground Gas Storage Report") and therefore should not be reported again on Form No. 16. The Commission notes that, unlike Form No. 16, Form No. 8 data are not broken down by storage fields—a detail necessary to evaluate a pipeline's supply. Gas volumes belonging to pipelines other than the respondent and stored in the respondent's reservoirs are aggregated and cannot be identified with the pipleine owning such gas. The Commission will, therefore, continue to request the working gas in place data on Form No. 16.

One comment argued that the request for data on customer storage service (injections) and withdrawals is a burdensome new reporting requirement; and that the information (especially the projected Schedule 7 information) is not readily available to the pipelines. The Commission finds, however, that this request is not a new one. Line 03 of Schedule 3 of the old Form No. 16 required the same data. Furthermore, as operators of the storage fields, the pipelines must, of necessity, know their customers storage service volumes. They are in the best position to report such data to the Commission.

d. *Schedules 4 and 8.* Comments pointed out, correctly, that the term "direct" customers was used incorrectly in Instruction 1 of Schedules 4 and 8. "Direct" has, therefore, been removed. Sales to all customers of the reporting pipeline are broken down by interstate pipeline customers and non-pipeline customers. Those customers who use less than 100 MMcf per year may be aggregated by the appropriate state and customer categories.

One comment noted that, in the case of a surplus supply situation, total "deliveries" to customers (line 07 of Schedules 4 and 8) would not equate to "net deliveries to customers" (line 12c of Schedules 1 and 5); and that the total "net" difference between total "deliveries" and total "requirements" to all customers (line 09 of Schedules 4 and 8) would not equal "deficiency or surplus" plus "net customer storage (injection) or withdrawal" (line 12a plus line 12b of Schedules 1 and 5).

Because this situation could occur, an instruction has been added to footnote the reason for such differences. Also, the term "surplus" is removed from the titles of Schedules 4 and 8 since a supply surplus is not allocated to customers.

One commenter suggested that only those customers whose requirements are greater than 300 Mcf per day should be individually reported on Schedules 4 and 8. This suggestion is not acceptable because a standard based upon such requirements would not accomplish the goal of obtaining actual large volume uses. The Commission will, however, retain the 100 MMcf reporting limitation per year since it is based on customers' actual use of the gas and not merely upon their requirements. This 100 MMcf per year limitation insures that the actual large volumes of sales are reported by the customers.

C. Public Procedures and Effective Date

Public notice and an opportunity to participate in this rulemaking has been provided. The changes in this Order will be effective 30 days from the date of its issuance for reports to be filed on or before September 30, 1980.

(Natural Gas Act, as amended, 15 U.S.C. §§ 717–717w; Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352; E.O. 12009, 3 CFR 142 (1978))

For the foregoing reasons, Form No. 16 is revised by the Commission as set forth in the attachment to this Final Rule and Part 260 of Chapter I, Title 18 of the Code of Federal Regulations is amended by the Commission as set forth below, effective 30 days from the date of issuance.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 260.12 is amended to read as follows:

§ 260.12 FERC Form No. 16, report of gas supply and requirements.[1]

(a) *Prescription.* The form of Report of Gas Supply and Requirements, designated herein as FERC Form No. 16, is prescribed.

(b) *Filing requirements.*—(1) *Who must file.* Each natural gas pipeline company making sales in interstate commerce of natural gas for resale shall prepare and file with the Energy Information Administration an original and six copies of Report of Gas Supply and Requirements, FERC Form No. 16.

(2) *When to file.* Such reports shall be filed on or before April 30 and September 30 of each year.

(c) *Waiver.* Upon good cause being shown, the Commission will grant requests by any company for waiver of the requirement to file Form No. 16.

[FR Doc. 80-17050 Filed 6-4-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulfur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Approval and Solicitation of Air Quality Models.

SUMMARY: The Geological Survey (GS) approves the use of the Environmental Protection Agency (EPA) UNAMAP Single Source (CRSTER) Model and PTMTP Model in the air quality regulatory program outlined in 30 CFR 250.57 (Air Quality). The GS also solicits interested parties to develop and submit air quality models which are appropriate for Outer Continental Shelf (OCS) facility evaluations.

DATES: Air quality models approved June 2, 1980. Comments, etc., may be submitted at any time to the address shown below.

ADDRESS: Comments on this notice or letters of intent to submit air quality models should be sent to the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: John Goll, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7136 or FTS 928–7136.

SUPPLEMENTARY INFORMATION:

Background. On March 7, 1980, the GS published a rule establishing a regulatory program to implement section 5(a)(8) of the OCS Lands Act Amendments of 1978, Pub. L. 95–372, concerning the regulation of air emissions from oil and gas operations on the OCS (45 FR 15128, March 7, 1980). The regulations are designed to insure that emissions from OCS facilities do not cause significant effects on the onshore air quality of a State. They revised 30 CFR 250.2 and 250.34 and created a new section, 30 CFR 250.57.

The program is divided into three parts for each air pollutant. The first two parts are screening procedures to determine whether emissions of an air pollutant from an OCS facility would significantly affect the onshore air quality of a State. The third part, if necessary, determines what measures the lessee must take to mitigate the impact of the emissions of the air pollutant. Both parts two and three involve using air quality models to estimate onshore ambient air concentrations that result from OCS air emissions. In the information requirements for the environmental reports (30 CFR 250.34–3(a)(4)(ii)(B)(*1*) for exploration plans and 250.34–3(b)(4)(ii)(B)(*1*) for development/production plans), the rule states that "The model or models [used to determine the effect on the onshore air quality of emissions from each facility] must be approved for use by the Director [of the Geological Survey]."

The preamble to the rule recognized that no air quality model was available for regulatory use for overwater applications. To remedy this situation, the Department outlined a step-by-step process which should lead to the development of acceptable overwater models. First, the GS would review the list of the EPA-approved models and would select one or two, which lessees must use in the air quality program until other models are approved. Second, during the next year, these models would be adapted for overwater applications. Third, during the next 2 to 3 years, the Bureau of Land Management (BLM), Department of the Interior (DOI), would conduct actual field tests off the coast of southern California to develop diffusion coefficients for overwater conditions. These diffusion coefficients would be used to validate models, which the Director approves for use. Finally, the GS would establish a mechanism, similar to the one used by EPA, by which interested parties could recommend new models or adaptations to existing models to the GS. Such models would be subject to public review and comment as part of the GS review to determine whether they would be added to the list of approved models. This notice elaborates on steps 1 and 4.

Approval of Air Quality Models for OCS Evaluations. The GS has reviewed those air quality models made available by EPA in its UNAMAP series (EPA, User's Network for Applied Modeling of Air Pollution (UNAMAP), NTIS PB 229771, National Technical Information Service, Springfield, Virginia 22161). We have concluded that, of the UNAMAP models, the Single Source (CRSTER) Model and the PTMTP Model best apply to OCS single facility and multiple facility evaluations, respectively. Pursuant to authority delegated by the Director to the Deputy Division Chief, Offshore Minerals Regulation, the following models have been approved for OCS facility evaluations:

A. The Single Source (CRSTER) Model, with the following modifications made to the model:

1. All atmospheric stability conditions classified in the CRSTER-PREPROCESSOR subprogram as classes A and B will be assumed to be class C for use in the model. This is done by changing all 1's and 2's to 3's in the DATA LSTAB statement in the PREPROCESSOR subprogram. (For long overwater fetches, extremely unstable atmospheric dispersion conditions are unlikely.)

2. Onshore air quality impact will be based on the highest estimated onshore ambient air concentration for the area

[1] FERC Form No. 16 filed with the Office of the Federal Register as part of the original document. Copies may be obtained from Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426.

impacted, rather than the highest, second-highest concentration at any receptor. (The Guideline on Air Quality Models recommends using the highest estimated concentration when uncertainties exist in the meterological data and the modeling for the evaluation (EPA, Guideline on Air Quality Models, EPA–450/2–78–027, EPA, Research Triangle Park, North Carolina 27711, April 1978).)

B. The PTMTP Model, with similar modifications outlined in (A) for CRSTER, for OCS evaluations involving the combined effects of more than one facility. Lessees shall consult with the GS before using PTMTP for multifacility evaluations.

Lessees must use only these two models to evaluate OCS air emissions until other models are approved. *Submission of Models* discusses the approval method for other models.

Limitations of the Approved Models. We acknowledge that using these two models for evaluating the onshore air quality impact of OCS facilities may be questionable. The models were designed for onshore applications and land-based meteorological data. Shortcomings in the models include using plume growth coefficients designed for land rather than for water, neglecting changes in windspeed and air trajectories for the transition flow from water to land, and neglecting the influence of the coastal internal boundary layer, especially during periods when plume fumigation could occur.

We have assessed the impact of these limitations on our OCS evaluations and have determined that the modified models will not cause excessive underpredictions of onshore concentrations. We considered the OCS facility source characteristics and locations, overwater meteorological conditions, and the likely available meteorological data for use in the models. We also considered the comments on the use of EPA models for OCS applications received by the Department in the rulemaking for the regulations. Arguments were received that the EPA models, when applied to overwater conditions, were overly conservative or were not conservative enough (depending on the limitations evaluated by the commenters.) Finally, we considered the effects that the modifications to the models would have on the final concentration estimates. From these considerations, we concluded that the models could be used on a temporary basis.

The GS intends that these models (selected in step 1) will be used only for an interim period until we (by step 2), or others (by step 4), can develop an overwater model which will account for the diffusion and transport parameters of importance in overwater and coastal flow. The Department noted in the preamble that it considered that any deficiencies in the models were preferable to the controversies that would arise if all parties involved were allowed to pick different models to predict and analyze the onshore air quality impacts of offshore operations. Using the EPA models has benefits in that they are readily available and easy to understand and ensure that all parties know how concentrations were calculated. After future models are developed, we can compare easily the results of these models with those of newly developed models.

Future Model Development. As discussed in *Background*, the GS plans to develop an overwater air quality model. The GS will adapt the CRSTER or similar model for OCS applications in fiscal year 1981. Ultimately, the BLM field tests and any other tests available will be analyzed to validate the developed model and make adjustments as necessary. Based on the schedule of tracer diffusion tests by BLM and others, we foresee this completed by 1985.

Submission of Models. We strongly urge interested parties to develop and submit air quality models which they consider appropriate for OCS applications. We will review such models to determine whether they can be used in OCS evaluations. This review will not be part of an exploration or development/production plan review, but will be done separately. A submitted model will be open to public review and comment. One facet of this review may include review of the model by EPA for its technical merit, documentation, validation, and coding. The model must meet the six requirements outlined by EPA in its Notice on Guidelines on Air Quality Models (45 F.R. 20157, March 27, 1980). These requirements are:

1. The model must be computerized and functioning in a common Fortran language suitable for use on a variety of computer systems.

2. The model must be documented in a user's guide which identifies the mathematics of the model, data requirements, and program operating characteristics at a level of detail comparable to that available for currently recommended models, e.g., the Single Source (CRSTER) Model.

3. The model must be accompanied by a complete test data set, including input parameters and output results. The test data must be included in the user's guide, as well as provided in computer-readable form.

4. The model must be useful to typical users, e.g., State air pollution control agencies, for specific air quality control problems. Such users should be able to operate the computer program(s) from available documentation.

5. The model documentation must include a comparison with air quality data or with other well-established analytical techniques.

6. The developer must be willing to make the model available to users at reasonable cost or make it available for public access through the National Technical Information Service; the model cannot be proprietary.

We suggest that interested parties who comtemplate model development contact us to discuss its applications. Once work on a model is completed, formal submittal should consist of a magnetic tape containing the program source code for the model and the test data set written at 1600 bpi in EBCDIC, four copies of the user's guide, any related documentation concerning past applications and performance of the model, and a statement on what arrangements will be made for public access to the model.

Dated: May 30, 1980.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division, U.S. Geological Survey.

[FR Doc. 80–17051 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–31–M

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30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Correction

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Correction of final rules.

SUMMARY: Editorial review of the published corrections of Final Rules which revised 30 CFR Part 250 effective December 13, 1979, identified printing and other errors that require correction. Those corrections of Final Rules were published March 28, 1980 (45 FR 20464). Issuance of these corrections identifies and incorporates into those Final Rules the language changes needed to accomplish the needed corrections of 30 CFR Part 250.

DATES: The corrections contained in this document are effective as of December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, National Center—Mail Stop 640, Reston, Virginia 22092, (703) 860–7531.

Dated: May 30, 1980.

Charles P. Eddy,

Acting Assistant Secretary of the Interior.

The corrections to the Final Rule published March 28, 1980, 45 FR 20464, are corrected as follows:

The reference to modification of § 250.34–2(o), page 20465, first, column, should be corrected to refer to § 250.34–2(n). Section 250.34–2(o) should continue to read as published October 26, 1979. The correction should read:

"Section 250.34–2(n), the first sentence is clarified to read:

* * * * *

(n) In order to ensure that activities to be carried out under a proposed development and production plan and activities being carried out under an approved development and production plan are carried out in a safe and environmentally acceptable manner, the Director may authorize or direct the lessee to conduct geological, geophysical, or other surveys that the Director determines are necessary for evaluation of such activities."

* * * * *

The citation of § 250.71(6), in the middle column of page 20465, should be § 250.71(b).

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The citation of § 250.80(d), in the middle column of page 20465, should be § 250.80–1(d).

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The citation of § 250.80–2(a)(i)(D), in the middle column of page 20465, should be § 250.80–2(a)(2)(i)(D).

* * * * *

Subparagraphs (6) and (7) of § 250.80–2(a) as published October 26, 1979, FR Doc. 79–33235, 44 FR 61886, should be renumbered subparagraphs (5) and (6).

* * * * *

The addition of § 250.2, "Definitions," i.e., §§ 250.2(ggg), (hhh), (iii), (jjj), and (kkk) should be corrected to be paragraphs (hhh), (iii), (jjj), (kkk), and (lll), respectively.

[FR Doc. 80–17078 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–31–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 816

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Correction.

SUMMARY: This document corrects § 816.97 of the Permanent Regulatory Program published in the **Federal Register**, March 13, 1979, Part II, Book 3 of 3.

EFFECTIVE DATE: June 5, 1980.

ADDRESS: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dr. David R. Maneval, (202) 343–4264.

SUPPLEMENTARY INFORMATION: This document corrects an error that appeared in the March 13, 1979, Permanent Regulatory Program (Title 30, Code of Federal Regulations, 1979). The page number corresponds to the March 13, 1979, **Federal Register** document. The following instructions will aid the user in locating the referenced correction:

Page—indicates the page number that appears in the upper margin of the March 13, 1979, **Federal Register**

Section—indicates the Section and paragraph were the error occurred

Lines—indicates the number of lines down from the referenced Section

The following correction is made:

On page 15411, § 816.97(d)(2), line 4, "underpasses. No new barrier shall be" is corrected to read "underpasses or overpasses and construct the necessary passages. No new barrier shall be".

Dated: May 30, 1980.

Paul L. Reeves,

Deputy Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 80–17063 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 103

Financial Recordkeeping and Reporting of Currency and Foreign Transactions

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing the reporting of individual currency transactions in excess of $10,000 (IRS Form 4789, Currency Transaction Report). The amended regulation (1) requires a financial institution to file a report within 15 days after a transaction occurs; (2) requires the institution to retain a copy of the report for 5 years; (3) requires the institution to record more specific information concerning a customer's identity; (4) further limits a bank's authority to exempt transactions from the reporting requirement; and (5) requires a bank to make and retain a record of the authorization of such an exemption.

EFFECTIVE DATE: July 7, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Stankey, Jr., Adviser to the Deputy Assistant Secretary (Enforcement), 202–566–5630.

SUPPLEMENTAL INFORMATION: Treasury regulations (31 CFR Part 103) issued under the authority of the Currency and Foreign Transactions Reporting Act (Pub. L. 91–508, Title II, October 26, 1970) require that certain transactions involving currency be reported to the Secretary of the Treasury by financial institutions. A financial institution within the United States generally must file a Currency Transaction Report, IRS Form 4789, for each deposit, withdrawal or exchange of currency or other transaction which involves more than $10,000 in currency. Under current regulations, currency transactions with established customers in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the customary conduct of the business, industry or profession of the customer concerned need not be reported provided that the financial institution makes a report listing such customers to the Secretary upon demand. Certain types of transactions with other financial institutions also need not be reported.

On September 9, 1979, there was published in the **Federal Register** a notice of proposed rulemaking to revise the regulations to require that (1) the reports be filed more timely; (2) more complete identification of the customer be furnished; (3) the financial institution be required to retain a copy of the report for five years; and (4) the exemption from the reporting requirement for transactions with an established customer maintaining a deposit relationship be limited to retail type businesses in the United States and that the location and character of the business be identified in the report of exempt customers furnished to Treasury. In addition, it was proposed that the exemption from reporting currency transactions with other financial institutions and foreign banks be removed in order to improve the Treasury Department's ability to obtain overall compliance with the regulations and alert the Department to unusual transnational movements of currency. The primary purpose of these changes would be to enhance the Department's capability to monitor and assure

compliance with the Currency and Foreign Transactions Reporting Act with regard to possible illegal or improperly reported flows of currency in the United States and abroad.

A total of 46 comments were received on this proposal. The more significant comments are summarized and discussed below.

Discussion of Major Comments

1. Many of the comments stated that no difficulty was anticipated in complying with the revisions. Some banks, while not anticipating any particular difficulty, felt that the proposed revisions were unnecessary, time consuming and costly. The comments indicate that a few banks in large metropolitan centers have a significant number of large transactions in currency. The vast majority of banks, however, do not appear to have a great many unusual currency transactions and, consequently, they will not be greatly affected by the change in reporting date or the information to be supplied.

2. In order to reduce unnecessary and unproductive reporting of routine currency transactions, banks have been able to exempt currency transactions with certain depositors where such transactions are customary and do not exceed amounts which the bank may reasonably conclude are commensurate with the conduct of the lawful, domestic business of that customer.

The proposed revision would have limited the exemption to an established depositor who is a U.S. resident and operates a retail type of establishment within the United States. A number of comments asked that the term "retail" be defined in the regulations and suggested that the exemption provision should include other types of businesses, as well as government agencies.

The final rule provides a definition of retail type of business and allows banks to also exempt currency transactions with state, local, or Federal government agencies where such transactions are customary and commensurate with the authorized activities of the agency. It is expected that those exemptions will be limited to retail type businesses that operate from commercial premises. Exemptions also may be granted when warranted for certain transactions of an established depositor who is a United States resident and operates a sports arena, race track, amusement park, bar, restaurant, hotel, check cashing service licensed by state or local governments, vending machine company, theater, or a firm that regularly withdraws more than $10,000 in order to pay its employees in currency. Banks may apply to the Assistant Secretary (Enforcement and Operations) for additional authority to grant an exemption if the bank believes that specific circumstances warrant such authority. Requests should be addressed as follows:

Exemption Staff, Room 1134, Office of Enforcement and Operations, U.S. Treasury Department, Washington, D.C. 20220.

3. One comment asked about the identification requirements for the customer's name and address, questioning whether the bank would be expected to verify the authenticity of the documents presented by the customer for identification. Bankers and shopkeepers normally ask for identification when a stranger presents a bank check or traveler's check to be cashed or accepted as payment. The same guidelines will apply when recording or reporting an unusual currency transaction.

4. Another comment asked whether microfilm and microfiche reproductions of currency reports will be accepted for purposes of record retention. Compliance by banks with the requirements of the regulations is checked by bank examiners employed by the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Comptroller of the Currency. Savings and loan associations are checked by the Federal Home Loan Bank Board. In order for the bank examiner to determine that the regulations are being complied with, it is necessary that a copy of the report be available among the bank records. A microfilm or microfiche copy of the report is acceptable for this purpose.

5. One commenter asked whether the term other "domestic banks" used in the proposal would include savings and loan associations. It does. Section 103.11 of the regulations defines the term "bank" as including:

* * * * *

"(3) A savings and loan association or a building and loan association organized under the laws of any State or of the United States;"

Definitions contained in § 103.11 apply to each of the regulations in Part 103.

6. Another comment suggested that the proposal represents a potential invasion of a bank customer's reasonable expectation of privacy in his financial affairs. This is not so: reports are only required for unusual cash transactions involving more than $10,000 by individuals or by businesses that have not been exempted and, as a result, relatively few bank transactions are reported. Although commercial banks alone are estimated to have processed in excess of 30 billion transactions in 1979, only about 120,000 reports were filed, less than one for every 200,000 transactions.

In establishing the reporting requirements, Congress found that the reports can be highly useful in criminal, tax, and regulatory investigations. Experience has shown that, frequently, such transactions are indications of illegal activities.

7. Another comment opposed the requirement that intercorporate dealings be reported, such as those between foreign and domestic subsidiaries of financial institutions. However, the overwhelming majority of such transfers are made in the form of bookkeeping entries and are not reportable under the regulations. Information from the financial community and the Customs Service indicates that the number of physical transfers of large amounts of currency between related banking entities is relatively small. The additional information that will be provided as a result of the amended regulations is needed for law enforcement purposes. There is increasing evidence that large amounts of currency related to illegal activities is being smuggled out of the U.S. and deposited in banks in foreign countries to evade scrutiny by U.S. authorities. The additional reports concerning these currency shipments will substantially improve the Treasury Department's ability to detect questionable movements of currency.

8. A nonbank financial institution commented on the duplication in the reporting of currency transactions between banks and nonbank financial institutions that would result under the proposed amendment. The final regulation has been changed to exempt the nonbank financial institution from reporting such transactions. Banks, however, must report them.

9. One bank commented that as initially proposed, the regulations appeared to require banks to determine the nationality of a person presenting a currency transaction before accepting the transaction. Such a procedure could have placed an undue burden on the banking industry. Consequently, the amendment has been changed to make it clear that a bank is required to follow the identification procedure required for aliens only when a bank has reason to believe that the customer is an alien. If for example, when a banker requests a taxpayer identification number, the customer states that he does not have one because he is not a resident, the banker should request an official

document evidencing nationality or residence.

Drafting Information

The principal authors of this document are William W. Nickerson, Deputy Assistant Secretary (Enforcement) and Robert J. Stankey, Jr., Adviser to the Deputy Assistant Secretary (Enforcement). However, other personnel of the Office of Enforcement and Operations and the Office of the General Counsel participated in its development.

Authority and Issuance

Accordingly, the proposed regulations are being issued under the authority contained in the Currency and Foreign Transactions Reporting Act, 84 Stat. 1118, 31 U.S.C. 1051–1122, as follows:

Regulations

1. Section 103.22 of Part 103 of Title 31, Code of Federal Regulations, as revised, reads as follows:

§ 103.22 Reports of currency transactions.

(a) Each financial institution shall file a report of each deposit, withdrawal, exchange of currency or other payment or transfer, by, through, or to such financial institution, which involves a transaction in currency of more than $10,000. Such reports shall be made on forms prescribed by the Secretary and all information called for in the forms shall be furnished.

(b)(1) Except as otherwise directed in writing by the Assistant Secretary (Enforcement and Operations), this section shall not: (i) require reports of transactions with Federal Reserve Banks or Federal Home Loan banks; (ii) require reports of transactions between domestic banks; or (iii) require reports by nonbank financial institutions of transactions with commercial banks.

(2) Except as otherwise directed in writing by the Assistant Secretary (Enforcement and Operations), a bank may exempt from the reporting requirement of this section the following:

(i) Deposits or withdrawals of currency from an existing account by an established depositor who is a United States resident and operates a retail type of business in the United States. For the purpose of this subsection, a retail type of business is a business primarily engaged in providing goods to ultimate consumers and for which the business is paid in substantial portion by currency, except that dealerships which provide automobiles, boats or airplanes are not included and their transactions are not exempt from the reporting requirement of this section.

(ii) Deposits or withdrawals of currency from an existing account by an established depositor who is a United States resident and operates a sports arena, race track, amusement park, bar, restaurant, hotel, check cashing service licensed by state or local governments, vending machine company, or theater.

(iii) Deposits, or withdrawals, exchanges of currency or other payments and transfers by local or state governments, or the United States or any of its agencies or instrumentalities.

(iv) Withdrawals for payroll purposes from an existing account by an established depositor who is a United States resident and operates a firm that regularly withdraws more than $10,000 in order to pay its employees in currency.

(c) In each instance the transactions exempted under paragraph (b) of this section must be in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the customary conduct of the lawful, domestic business of that customer, or in the case of transactions with a local or state government or the United States or any of its agencies or instrumentalities, in amounts which are customary and commensurate with the authorized activities of the agency or instrumentality. This section does not permit a bank to exempt its transactions with a nonbank financial institution.

(d) A bank may apply to the Secretary for additional authority to grant an exemption to the reporting requirement, not otherwise provided for under paragraph (b) of this section, if the bank believes that circumstances warrant such an exemption. Such requests should be addressed to:

Exemption Staff, Room 1134, Office of Enforcement and Operations, U.S. Treasury Department, Washington, D.C. 20220.

(e) A record of each exemption granted under paragraph (b) of this section and the reason therefor must be made at the time it is granted and all such exemptions must be kept in a centralized list. The record shall include the names and addresses of the banks referred to in paragraph (b)(1)(ii) of this section, as well as the name, address, business, taxpayer identification number, and account number of each depositor that has engaged in currency transactions which have not been reported because of the exemption provided in paragraph (b)(2) of this section. The record concerning the group of depositors exempted under the provisions of paragraph (b)(2) of this section should also indicate whether the exemption covers withdrawals, deposits, or both, as well as the dollar limit of the exemption. Upon the request of the Secretary, a bank shall provide a report containing the list of the bank's customers whose transactions have been exempted in accordance with the provisions of paragraph (b) of this section and such information as the Secretary may require. The exemptions may be reviewed by the Secretary who may require a bank to file the usual reports as prescribed in paragraph (a) of this section with respect to any customer whose transactions have been previously exempted.

(f) Reports required under paragraph (e) of this section must be mailed or otherwise delivered to the Secretary within 30 days after the bank receives the Secretary's request.

2. Paragraph (a) of § 103.25 of Title 31, Code of Federal Regulations, as revised, reads as follows:

§ 103.25 Filing of reports.

(a) A report required to be filed by paragraph (a) of § 103.22 shall be filed within 15 days following the day on which the transaction occurred. The reports shall be filed with the Commissioner of Internal Revenue on forms to be prescribed by the Secretary. All information called for in such forms shall be furnished. A copy of each report shall be retained by the financial institution for a period of five years from the date of the report.

* * * * *

3. Section 103.26 of Part 103, Code of Federal Regulations, as revised, reads as follows:

§ 103.26 Identification required.

Before effecting any transaction with respect to which a report is required under paragraph (a) of § 103.22, a financial institution shall verify and record the name and address of the individual presenting a transaction, as well as record the identity, account number, and the social security or taxpayer identification number, if any, of any person or entity for whose or which account such transaction is to be effected. Verification of the identity of an individual who indicates that he is an alien or is not a resident of the United States must be made by passport, alien identification card, or other official document evidencing nationality or residence. Verification of identity in any other case may be by examination of a document normally acceptable as a means of identification when cashing checks, for example, a driver's license or a credit card. In each instance, the method used in verifying the identity of

the customer shall be recorded on the report.

Dated: May 28, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-17187 Filed 6-4-80; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1507-3]

Approval and Promulgation of Implementation Plan; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to indicate final action on the Washington SIP by approving some portions; conditionally approving other portions; and taking no action at this time on certain other portions. In accordance with conditional approvals the State of Washington is required to submit to EPA additional materials to satisfy the various conditions no later than July 31, 1980. This plan revision was prepared by the State to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) of the Clean Air Act (hereafter referred to as the Act) as amended in 1977 (42 U.S.C. 1857 et seq.).

EFFECTIVE DATE: June 5, 1980.

FOR FURTHER INFORMATION CONTACT: Richard R. Thiel, P.E., Chief, Air Programs Branch, Region X M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No: (206) 442-1230, FTS 399-1230.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA finds that good cause exists for making the action taken in this notice immediately effective for the following reasons: (1) Implementation plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Clean Air Act to take final action on the position of the SIP which addresses Part D regulations by July 1, 1979 or as soon thereafter as possible.

On November 9, 1979, the Environmental Protection Agency (EPA) published in the **Federal Register** a notice of proposed rulemaking (44 FR 65084) which described the nature of the SIP revision, discussed certain provisions which, in the opinion of EPA, did not comply with the Act, and requested public comment.

As discussed in greater detail below, EPA has reviewed public comments received on the November 9, 1979, **Federal Register** proposal and is today taking the following action on each element of the plan:

1. Approval

(a) Yakima CO non-attainment area strategy;
(b) Extension of attainment date for CO and O_3 for Seattle-Tacoma non-attainment area; and
(c) Inspection and maintenance program;
(d) State Legal Authority;
(e) Miscellaneous regulatory provisions (Sensitive Areas: WAC 18-06).

2. Conditional Approval

(a) New Source Review (WAC 173-400);
(b) Volatile Organic Compounds (WAC 173-490);
(c) Other General Regulation Provisions (Combined Emissions: WAC 173-400-040; Source Test Procedures: WAC 173-400-120)3); No Burn Areas: WAC 173-425);
(d) Seattle-Tacoma CO non-attainment area strategy;
(e) Seattle-Tacoma O_3 non-attainment area strategy;
(f) Vancouver O_3 non-attainment area strategy; and
(g) Seattle-Tacoma, Vancouver, Spokane and Clarkston Primary TSP strategies.

3. No Final Action

(a) Tacoma SO_2 non-attainment area strategy;
(b) Spokane CO non-attainment area strategy;
(c) Kraft Pulp Mills: WAC 173-405*;
(d) Sulfite Pulp Mills: WAC 173-410*;
(e) Primary Aluminum Plants: WAC 18-52*; and
(f) Energy Facility Site Evaluation Council Regulations: WAC 463-39.*
(g) Miscellaneous regulatory provisions, Grass seed field burning: WAC 18-16; Input sulfur limitation: Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I—Section 9.07(c).

In this notice the proposed Washington SIP is summarized, problems interfering with SIP approval are discussed, comments from the State and the public are presented, and EPA's responses to comments on its proposal are presented. In addition, the notice describes final action with regard to approval and conditional approval of the Washington SIP. It should be noted that only the requirements pertaining to Part D of the Act are discussed in this notice.

Following this introduction, the information in this notice is divided into two sections entitled, "Background" and "Plan Review." The "Background" section outlines the various events leading to the development of the Washington SIP in relation to the Part D requirements of the Act. The "Plan Review" portion is further divided into two major sub-sections. The first of these entitled "General Regulations," discusses the general regulatory portions of the SIP e.g., Volatile Organic Compounds (VOC), New Source Review (NSR), Inspection and Maintenance (I/M), etc. The second sub-section entitled "Non-Attainment Plans," provides a description of each Part D non-attainment plan element on a pollutant specific basis. Deficiencies, together with appropriate corrective actions which were proposed earlier, are summarized at the end of each topical discussion section. Further public comments pertaining to those deficiencies, proposed corrective actions and other concerns regarding the SIP are then summarized along with EPA's responses. Following the public comment section, final EPA action is then described for each deficiency noted as well as EPA final action regarding other major elements of the SIP.

II. Background

On March 3, 1978 (43 FR 8962), and September 11, 1978 (43 FR 40435), pursuant to the requirements of Section

*By separate **Federal Register** Notice EPA intends to propose action to be taken with regard to these specific regulated categories.

107 of the Act, EPA designated certain areas of the State of Washington as not attaining certain National Ambient Air Quality Standards (NAAQS). Part D of the Act requires states to revise their State Implementation Plans for all areas that have not attained the NAAQS. The Washington SIP revisions were developed and submitted to EPA to satisfy the requirements of the Act and are intended to update the present EPA approved SIP. The basic criteria for an approvable Part D SIP are summarized in a General Preamble published in the April 4, 1979, **Federal Register** (44 FR 20372) as supplemented in the **Federal Register** on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). These criteria are incorporated by reference and will not be restated here. Additional guidance was published in the "EPA/DOT Transportation Planning Guidelines" and the "Transportation SIP Checklist" and general requirements for all SIPs are found in EPA regulations in 40 CFR Part 51.

In accordance with Section 174 of the Act, primary responsibility for preparing transportation control plans leading to the attainment of carbon monoxide (CO) and ozone (O_3) standards was delegated by the Governor of the State of Washington to organizations of local elected officials. In the State of Washington these designated organizations are the Puget Sound Air Pollution Control Agency (PSAPCA) for the Seattle-Tacoma CO and O_3 non-attainment areas, the Spokane Regional Planning Conference (SRPC) for the Spokane CO non-attainment area, and the Clark County Regional Planning Conference (CCRPC) for the Vancouver O_3 non-attainment area. As a result of these designations, a description of responsibilities between the various state and local agencies involved in the planning process was developed.

The Governor also designated PSAPCA and SRPC responsible for total suspended particulate (TSP) plan development. The remaining control strategies for Port Angeles (TSP), Longview (TSP), Vancouver (TSP) and Yakima (CO) were the responsibility of the State Department of Ecology (DOE). In addition, the State, in accordance with legislation enacted in May 1979, was made responsible for the development of the motor vehicle inspection and maintenance program.

The locally prepared plans referred to above were submitted to DOE in November 1978 and combined with the State developed control strategies. Thereafter, following due notice, public hearings were held in December 1978.

After receiving and considering a multitude of comments from the public, industry and government, the DOE decided that major changes to portions of the draft SIP were necessary. Thus, a revised draft SIP was developed by DOE and submitted informally to EPA for comment in March 1979. The EPA's comments regarding the much revised SIP were informally transmitted to DOE at the time of the State's April 19, 1979 public hearing held for the purpose of taking comment on the revised State SIP. On April 26, 1979, the SIP was adopted by the DOE and thereafter formally submitted by Governor Ray to EPA on April 27, 1979.

During the time from April to November 1979, several meetings were held between EPA and the State, and numerous proposals exchanged in an effort to resolve the issues raised by EPA's March, 1979 comments. Thereafter, EPA proposed action on the revised Washington SIP in the **Federal Register** on November 9, 1979 (44 FR 65084).

On December 21 and 28, 1979, the State submitted comments in response to the issues raised in EPA's proposed rulemaking. These comments, together with others received from the Puget Sound Air Pollution Control Agency, the Western Oil and Gas Association, the Northwest Pulp and Paper Association, the Oregon Department of Environmental Quality, the Washington Lung Association, the U.S. Department of Housing and Urban Development, the Federal Highway Administration, the Puget Sound Citizens Committee for Air Quality and Transportation Control Planning, and several private citizens have been fully considered in the development of this final rulemaking.

III. Plan Review

This section is divided into two major sub-sections. The first, "General Regulations," briefly describes the regulatory portions of the plan generally applicable to non-attainment areas; e.g., Volatile Organic Compounds, New Source Review, Inspection and Maintenance, etc. and then discusses the deficiencies noted by EPA. The Section also incorporates the comments received as a result of the EPA "Notice of Proposed Rulemaking" and specifically describes the category of action which EPA is taking. The second sub-section, "Non-Attainment Area Plans" discusses each area pollutant-specific plan in terms of plan development, emission reduction required, control strategy proposed, deficiencies identified, corrective actions required, comments received and the final action taken by EPA.

A. General Regulations

1. *New Source Review (NSR).*—WAC 173–400–110—New Source Review, has in general, been satisfactorily revised to accommodate the requirements of Part D of the Act for all sources except those under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC). EPA is requesting, however, that the State revise its regulation to resolve certain remaining descrepancies between the proposed SIP and Part D requirements. These discrepancies, which are detailed below, are primarily associated with the failure of the SIP to properly regulate aluminum plants, pulp mills and energy related sources (e.g., power plants, refineries, etc.); additionally, the State must take corrective action regarding relaxed permit requirements for major sources and the exemption of certain size facilities from NSR requirements. EPA approves these regulatory provisions, except as otherwise noted, contingent upon the State taking the following corrective actions with regard to the identified deficiencies on or before July 31, 1980:

a. Variance Related Exemption.—i. *Deficiency.* WAC 173–400–110(3)(a) exempts sources with approved variances from compliance with NSR procedures.

ii. *State Response.* The State intends to revise this section to eliminate the exemption.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.* The proposed State action will correct the deficiency.

b. Major Sources.—i. *Deficiency.* The definition of major source does not satisfy Section 302(j) of the Act in that *all* sources with a potential emission equal to or greater than 100 tons per year (TPY) of any pollutant are not required to undergo NSR. Also CO sources between one hundred (100) and one thousand (1000) tons per year are exempt from the NSR procedures.

ii. *State Response.* The State will revise the definition of "major source" to be consistent with Section 302(j) for all pollutants.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.* The proposed State action will correct the deficiency.

Note.—The EPA rulemaking in response to the *Alabama Power Co.* v. *Costle*, 13 ERC 1993 (D.C. Cir., Dec. 14, 1979) decision may affect the final disposition of this deficiency.

c. Permits to Operate.—i. *Deficiency.* WAC 173–400–110 at present does not

satisfy the requirement of Section 173(3) of the Act that a permit to construct or operate a new source in a non-attainment area can only be issued if the other sources owned by the same company in that State are in compliance with the Act. In addition the SIP does not include procedures to implement and enforce "reasonable further progress" toward attainment as described in Section 173(1) in other parts of Section 173.

ii. *State Response.* The State indicates that WAC 173–400–110 will be revised to satisfy the requirement of Section 173(3) and that provisions to implement and enforce "reasonable further progress" will be added to the SIP.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.*

The action proposed by the State will correct the deficiency.

d. Temporary Sources.—i. *Deficiency.* WAC 173–400–110(10) exempts temporary sources (one year or less) from NSR, contrary to Section 173 of the Act.

ii. *State Response.* The State indicates that it feels the regulation is adequate and that a program has been established to ensure that emission requirements are met. Further the State agrees with EPA that the temporary source regulation applies only to *portable* sources which locate temporarily, and will revise the regulation accordingly.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.*

The action proposed by the State will correct the deficiency.

Note.—The EPA rulemaking in response to the *Alabama Power Co.* v. *Costle*, 13 ERC 1993 (D.C. Cir., Dec. 14, 1979) decision may affect the disposition of this deficiency.

e. *Kraft Pulping Mills (WAC 173–405), Sulfite Pulping Mills (WAC 173–410) and Primary Aluminum Plants (WAC 18–52).*—i. *Deficiency.* These regulations in the currently proposed SIP, do not meet the NSR requirements of Sections 172(b)(6) and 173 of the Act.

ii. *State Response.* The State has adopted revisions to the three regulations to correct the above deficiency.

iii. *Public Comment.* None.

iv. *EPA Action: NONE.* On April 1, 1980, the State submitted regulations, for the above referenced sources since the newly adopted regulations are currently under review, EPA will take separate action on these three regulations at a later date. In the meantime, and until EPA publishes final approval action, the limitations on new source growth remain in effect (Section 110(a)(2)(I)).

f. *Energy Facility Site Evaluation Council (EFSEC) Regulations.*—i. *Deficiency.* The regulations contain numerous deficiences which have been identified to EFSEC.

ii. *State Response.* The State DOE and EFSEC, have agreed to make the required changes in the regulations and to develop appropriate implementing procedures.

iii. *Public Comment:* None.

iv. *EPA Action: NONE.* Because the State has formally submitted only the EFSEC regulations and not the implementing procedures (the memorandum of agreement between DOE and EFSEC), EPA will take no final action at this time. When the State has provided EPA with a complete SIP revision package then EPA will take separate action on the EFSEC portion of the SIP. The absence of an EFSEC element in the SIP requires limitations on new source growth to remain in effect for energy sources in the State of Washington which are under EFSEC jurisdiction. (Section 110(a)(2)(I)).

2. *Volatile Organic Compounds (VOC).*—Sections 172(a)(2) and 172(b)(3) of the Act require sources of volatile organic compounds (VOC) to install, at a minimum, reasonably available control technology (RACT) in order to reduce emissions of these pollutants. EPA defines RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

EPA has developed Control Technology Guidelines (CTG) for the purpose of informing State and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. This information is designed to be useful to both control agencies and industry in defining appropriate RACT requirements for sources within the State.

Along with information each CTG contains recommendations to the States of what EPA calls the "presumptive norm" for RACT. This general statement of Agency policy is based on EPA's current evaluation of the capabilities and problems general to the industry. Where the State finds the presumptive norm applicable to an individual source or group of sources, EPA recommends that the State adopt requirements consistent with the presumptive norm level. The State may, if it chooses, require controls different from those identified in the CTG as long as: (1) The percentage of emission reduction from each category of sources varies insignificantly (within 5 percent of controlled emissions); or (2) documentation is provided that the regulations do, in fact, represent RACT for that source(s).

Ozone attainment strategies, as discussed in the April 4, 1979 General Preamble (44 FR 20372), must include control of specified VOC sources (i.e., those for which CTGs were published prior to January 1, 1978) to the RACT level. Where simplistic modeling techniques (rollback, Empirical Kinetic Modeling Approach (EKMA), or other methods less sophisticated than atmospheric dispersion modeling) are employed to demonstrate adequacy of the attainment strategy, control of all sources covered by the CTGs is required except in urban areas where standards are attained by 1982 and in rural areas under 200,000 population. The State of Washington used rollback as a "first cut" effort to determine the minimum emission reduction needed and is thus required to adopt RACT regulations for the eleven source categories for which CTGs have been published to date.

Again, as noted in the April 4, 1979 General Preamble, the minimum acceptable level of stationary source control for ozone SIPs, such as Washington, Includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978 and commitments to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January (44 FR 20376). The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the Washington plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

Deficiencies in Washington VOC Regulation WAC 173–490, are detailed below. EPA conditionally approves the VOC regulatory authority, contingent upon the State taking corrective action

by July 31, 1980 as indicated, in general, by the preceding discussion and as specifically set forth below:

a. *Cold Cleaning Degreasers.* WAC 173–490.

i. *Deficiency.* EPA guidance requires control of these sources which are exempted from the proposed State regulations.

ii. *State Response.* In their December 28, 1979 response the State disagreed with the requirement to regulate cold cleaning degreasers. They stated that emissions from these sources represent only 0.2 percent of the total VOC emissions for the non-attainment areas and that these emissions are contributed by approximately two thousand (2000) sources, making enforcement impractical, inefficient and very resource consumptive.

In April, 1980, the State agreed to thoroughly review the extent of the cold degreasers problem in non-attainment areas and adopt regulations by October 1, 1980 which would control emissions to within 5 percent of the presumptive norm level or provide justification that control to a different level is RACT.

iii. *Public Comment.* Commentors from PSAPCA, the Puget Sound Citizens Committee on Air Quality and Transportation Control Planning, the Washington Oil and Gas Association and one private citizen are opposed to regulation of this source due to the resources required for administration and implementation. PSAPCA also suggested that EPA provide an analysis of the resources necessary to implement the CTGs. In response, EPA will make available to the State information on resources necessary to implement a control program for cold degreasers as it is generated by other agencies who are implementing such a regulation.

iv. *EPA Action: Conditional Approval*—EPA will conditionally approve this portion of the SIP provided the State supplies by October 1, 1980 a detailed emission inventory showing the number of sources and their size and approximate VOC emissions from this category and adopts a regulation providing for control to within 5 percent of the presumptive norm level or justifies control to a different level as RACT.

b. *Petroleum Refineries.* WAC 173–490–040(1).

i. *Deficiency.* The State proposes exemption of refineries with a crude oil or feed stock capacity of less than nine thousand (9000) barrels per day, and waste water separators with a VOC emission less than twenty-five (25) tons per year, both of which are recommended by EPA guidance to be controlled.

ii. *State Response.* The State comments that two of the four refineries account for 99 percent of the total refinery emissions; therefore, satisfying the EPA guidance that the State regulation require control of 95 percent of the total VOC emissions from petroleum refineries.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The information submitted by the State is incomplete and does not allow EPA to verify that emissions are, in fact, controlled within 5 percent of the presumptive norm.

c. *Bulk Gasoline Plants.* WAC 173–490–040(4)(e).

i. *Deficiency.* Contrary to EPA guidance this section does not contain specific provisions for controlling vapor leaks occurring during unloading of transport tanks.

ii. *State Response.* The State indicates that the word "transport" will be deleted from Section 4(e), thus correcting the application of the regulation to include unloading of any tank, including transport tanks.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiency.

d. *Gasoline Dispensing Facilities.* WAC 173–490–040(5).

i. *Deficiency.* This section exempts gasoline dispensing facilities in major urban areas from the requirement of a vapor balance system on the basis of the throughput of the facility being less than 200,000 gallons per year instead of the 120,000 annual throughput level (10,000 gallons monthly) recommended by EPA. The State did not show that the 200,000 gallon throughput represented control within 5 percent of the presumptive norm level.

ii. *State Reponse.* The State provided cursory estimates indicating few facilities will be exempt using the State size cutoff for annual throughput.

iii. *Public Comments.* None.

iv. *EPA Action: Conditional Approval*—The State has provided a partial showing that controlled emissions will represent 95 percent of the level provided for in the CTG. Final approval is conditioned upon the State completing the inventory to show conclusively that all controlled emissions will be within 5 percent of the presumptive norm or the regulation will be revised to reflect the EPA recommended level or a showing will be made that the State level represent RACT.

e. *Surface Coating.* WAC 173–490–040(6).

i. *Deficiency.* This section exempts sources less than 100 tons per year and does not specify control requirements for flashoff areas which emit a significant portion of VOC in the surface coating process.

ii. *State Response.* The State indicates that their regulation will be revised to include flashoff areas. Further, the State has made a partial demonstration to show that one (1) source is responsible for 95 percent of the VOC emissions, thus satisfying the criterion of control within 5 percent of the level identified in the CTG.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The addition of flash off areas to the section will satisfy that part of the EPA condition. The State will submit additional data showing that controlled emissions will be within 5 percent of the presumptive norm.

f. *Open Top Vapor Degreasers.* WAC 173–490–040(7).—i. *Deficiency.* Three major areas of the CTG are not adequately addressed. These three major areas are as follows: (1) Open top vapor degreasers with less than one square meter of vapor-air interface; (2) Power operated covers for open top vapor degreasers with a freeboard ratio greater than 0.75; and (3) Provisions for the disposal of waste solvent.

ii. *State Response.* The State indicates that the three areas of concern noted above will be corrected by a revision to the regulation.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—Action proposed by the State will correct the deficiency.

g. *Conveyorized Degreasers.* WAC 173–490–040(7).—i. *Deficiency.* This section does not require a "major control device" on conveyorized degreasers with greater than a two square meter air-vapor interface, and does not provide for the disposal of waste solvent, both of which are contrary to EPA guidance described in the CTG.

ii. *State Response.* The State indicates that the regulation will be corrected to require the appropriate control device and provide for waste solvent disposal.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiency.

h. *Cutback Asphalt.* WAC 173–490–040(9).—i. *Deficiency.* This section prohibits the use of cutback asphalt during June, July, August and September unless the temperature is below 50°F. There is no temperature related information justifying this time period for prohibited use, nor are methods provided for determining compliance with the temperature requirement.

ii. *State Response.* The State indicates that the time period for prohibited use is based on ozone violations occurring in those months. In addition, the State is developing a procedure to determine compliance with the temperature requirement.

iii. *Public Comment.* A private citizen suggests that cutback asphalt be banned for the entire year. EPA feels that since ozone violations are temperature related, banning cutback asphalt for the entire year would not cause further reductions in violations during those months of the year when the average monthly high temperatures is below 50°F.

iv. *EPA Action: Conditional Approval*—The action proposed by the State to satisfy the condition is partially adequate. Further information is necessary to verify that the average high temperature of 50°F is exceeded only during the months of June, July, August and September.

i. *Schedule of Control.* WAC 173–490–070.—i. *Deficiency.* This section ties all dates for control of regulated sources into EPA's acceptance of the regulation. This is approvable only if the word "acceptance" can be equated to the term "conditional approval."

Also, control schedules for some sources require compliance much later than the time frames recommended in the CTG and must be revised and made consistent with the CTG, or a deviation from guidance must be justified.

ii. *State Response.* The State agrees that the schedules of control will begin to run from the date of final conditional approval. As to the length of control schedules, the State has decided to revise the regulation so that all schedules for existing sources will be developed on a case-by-case basis within six months of EPA's acceptance of the regulation, and submitted to EPA for approval as SIP revisions. The effect of this revision would be to expand the coverage of the regulation to include new sources.

iii. *Public Comment.* Comments received from the Western Oil and Gas Association support the State's efforts to apply CTGs in a manner that accounts for economic considerations and specifically supports extended compliance schedules for small refineries.

iv. *EPA Action: Conditional Approval*—The State and EPA agree that terms "conditional approval" and "acceptance" have the same meaning with regard to initiation of compliance schedules. Also the action proposed by the State to revise their regulation regarding development and submission of control schedules will correct the deficiency.

j. *Exemption of Methyl Chloroform and Methylene Chloride.* The Washington regulations include exemptions for methyl chloroform and methylene chloride. The exemption is based on the fact that these compounds are photochemically unreactive and therefore do not play a significant role in ozone formation. Thus, the Washington, VOC regulation is approvable insofar as this exemption is concerned. However, both compounds may be subject to future regulation, not necessarily to meet the O_3 NAAQS, but because of evidence that they may be a direct health hazard.

i. *Notice.* The possibility of this direct health hazard is raised here for the purpose of providing notice to persons who may take advantage of the above noted exemptions. Such persons should be aware of the possibility of future controls regarding methyl chloroform and methylene chloride before any control equipment is modified based upon this exemption provision.

ii. *Public Comment.* One commentor felt that these two compounds should not be exempted due to their potential as a health hazard.

ii. *EPA Action.* EPA cannot require states to control these compounds as part of an O_3 SIP because they are not photochemically reactive. However, EPA is preparing regulations pursuant to other provisions of the Act which may control emissions of methyl chloroform and methylene chloride.

3. Inspection and Maintenance

A vehicle "Inspection and Maintenance" (I/M) program is a key element in both the O_3 and CO emission control strategies for the State of Washington. I/M refers to a program whereby motor vehicles receive periodic inspections to assess the efficiency of fuel combustion and functioning of their exhaust emission control systems. Vehicles which have excessive emissions must undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Operation of non-complying vehicles is prohibited. This is most effectively accomplished by requiring proof of compliance to purchase license plates or before vehicle registration.

Section 172 of the Act requires that SIP revisions for non-attainment areas meet certain criteria. Extension up to 1987 may be granted for areas which do not demonstrate attainment of standards for O_3 or CO by the end of 1982, despite the implementation of reasonably available measures. However, as a condition to obtaining a post-1982 attainment date, the plan must not only meet the above referenced criteria, but "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program * * *" (CAA 172(b)(11)(B)).

On February 24, 1978, EPA issued guidance on the general criteria for SIP approval including I/M. On July 17, 1978, the specific criteria for I/M SIP approval was issued. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking 44 FR 20373 at note 6. Though the July 17, 1978 guidance should be consulted for details, the key elements for I/M SIP approval are summarized below. Also included under each sub-heading is an evaluation of the State's compliance with these requirements.

• *Legal Authority.* To be acceptable, I/M legal authority must be adequate to implement and enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which established an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

The requirement for legal authority was satisfied by the Legislature's passage of H.B. 298, which Governor Ray subsequently signed on May 11, 1979. This legal authority was submitted by the State to EPA on December 21, 1979.

This newly enacted law directs the Washington Department of Ecology to administer a vehicle inspection program in areas where such a program is necessary to attain the air quality standards. The law also prohibits the Washington Department of Licensing from renewing vehicle licenses unless such vehicles have satisfied the requirements of the inspection program.

• *Commitment. Written evidence* is also required to establish that appropriate governmental bodies are

"committed to implement and enforce the appropriate elements of the plan." (Section 172(b)(10)). When an I/M program is based on general enabling legislation, commitments must be made by all agencies involved in implementation or enforcement. Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

The legal authority noted above defines the responsibilities of affected state agencies. As this responsibility is assigned by State law, no further commitments are required.

• *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7))

The Washington I/M program is designed to be self-supporting once mandatory inspections are initiated. The State Legislature in conjunction with passage of the I/M enabling legislation, authorized $500,000 in state funds to support program staffing and start-up costs until the mandatory phase is reached. In addition, EPA has committed $500,000 in Federal funds to assist the State in its start-up effort. These resources appear sufficient at this time to cover all program needs.

• *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan (Section 172(b)(11)(B)). Interim milestones are specified in the July 17, 1978 memorandum in accordance with the general requirement of 40 CFR 51.15(c).

The Washington DOE has established a detailed schedule for implementing the I/M program and is moving aggressively to stay on schedule. Key milestones in the schedule are summarized below:

1. Submit legal authority to EPA—Complete
2. Draft regulation for legislative approval—Complete
3. Hearing on regulation—Complete
4. Adoption of regulation—Complete
5. Submittal of regulation to EPA—Complete
6. Distribute Request for Proposals—Complete
7. Bid cutoff date—July 1, 1980
8. Initiate public education program—Aug 1, 1980
9. Contract(s) signed—Sept 15, 1980
10. Begin mechanic training program—Oct 1, 1980
11. Begin voluntary program—July 1, 1981
12. Begin mandatory program—Jan 2, 1982
13. Complete first I/M test cycle—Jan 2, 1983

The above schedule was developed subsequent to passage of the I/M enabling legislation and was submitted as part of the SIP on December 21, 1979. EPA considers the schedule acceptable and the condition to submit the I/M schedule as part of the SIP satisfied.

• *Program Effectiveness.* To be acceptable an I/M program must achieve the requisite 25 percent reductions in both hydrocarbon and carbon monoxide exhaust emission from passenger cars by the end of calendar year 1987. While this specific requirement is not explicitly in the Act, the Act does mandate "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating at about a 20 percent stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the programs.)

A mandatory I/M program may be implemented as late as December 31, 1982, and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and at 20 percent stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25 percent can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20 percent stringency factors, it is EPA policy to use a 25 percent emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

The statute mandating the Washington I/M program specifies that the DOE will develop test standards so that no more than 30 percent of all vehicles inspected will be required to undergo maintenance at a cost not to exceed $50.00. These limiting factors were developed to deal primarily with a CO problem, since O_3 analysis originally showed attainment by 1982. However, more recent modeling and analysis indicates that O_3 attainment will occur beyond 1982.

As stated in the proposal preliminary estimates indicated that while the 25 percent program effectiveness critieria could be achieved for CO, it would be extremely difficult to achieve the regional hydrocarbon (HC) emission reduction within the present limits. However, further analysis by EPA and the State have indicated that because of erroneous tabulation of the data for vehicle population, the preliminary estimate was incorrect. The reanalysis adequately demonstrates the 25 percent program effectiveness for both CO and HC. EPA therefore considers the conditions previously proposed to be unnecessary and finds that the I/M program meets the program effectiveness criteria.

The Washington I/M program will affect only two of the major urban areas of the State currently violating the air quality standards for transportation related pollutants; i.e., the greater Seattle-Tacoma metropolitan area and Vancouver. Emissions contributing areas for both have been defined prior to designing the specific I/M program.

The State Department of Licensing will notify each vehicle owner, who must have his car inspected, 90 days prior to expiration of that vehicle license. Inspections will be conducted by a private contractor chosen by the State on the basis of competitive bids. While the actual inspection fee will be determined by the bids received, state law limits the fee to a maximum of $10.00. Owners or lessees of fleets may be authorized by DOE to inspect their own vehicles provided they meet rigid quality assurance criteria.

All gasoline powered vehicles licensed for use on the State's highways will be required to undergo inspections except diesels, new cars before initial transfer of title, vehicles 15 years old or older, motorcycles, and farm vehicles. Vehicles failing the inspection must be repaired and reinspected. Vehicles failing the reinspection after repair may be issued a certificate of acceptance if the vehicle owner can demonstrate that he has spent at least $50.00 for parts and repairs solely devoted to meeting the emission standard. The DOE will also institute a comprehensive mechanic training program in cooperation with the service industry to upgrade mechanics' capabilities to adequately repair vehicles at minimum cost.

In summary, the State has made impressive progress to date in establishing a viable vehicle inspection/maintenance program. EPA considers the conditions proposed in the November 9, 1979 **Federal Register** to be satisfied as follows:

i. *Deficiencies* (Noted in the Proposed Rulemaking):

a. The SIP does not reflect the passage of I/M legislation.

b. The SIP does not include a detailed I/M program implementation schedule.

c. The SIP does not demonstrate the achievement of the required minimum

level of effectiveness for both CO and HC.

d. The SIP does not commit to revising the legislation to provide for the required minimum level of effectiveness.

ii. *State Response:* a. The State submitted a copy of the I/M legislation and legal authority on December 21, 1979.

b. The State submitted a copy of the detailed I/M program implementation schedule on December 21, 1979.

c. After further consultation with the State's contractor, the State and EPA agree that the minimum level of effectiveness will be achieved by the I/M program.

d. This condition is no longer required in light of the revisions to the program effectiveness analysis.

iii. *Public Comment:* The Washington State Department of Transportation submitted comments expressing the same ideas as those of the State as discussed above.

iv. *EPA Action: Approval*—The State actions taken to correct the deficiencies are sufficient to satisfy all conditions relating to the I/M program.

4. *Other Regulations.* This subsection addresses a variety of important regulatory issues arising as a result of SIP revisions mandated by Part D of the Act. While many of the regulations discussed herein are incorporated in WAC 173–400, others are not easily categorized and are included in this subsection for convenience. Certain of the regulations discussed in this Section are approvable as submitted and require no corrective action by the State. The approvable regulations are discussed here so that the public is provided notice of the requirements posed by these regulations. EPA's final action regarding these regulatory provisions is set out below. Any corrective action needed will be submitted to EPA by July 31, 1980.

a. *Combined Emissions.* WAC 173–400–040. i. *Deficiency.* Certain provisions of WAC 173–400 involve a seven percent oxygen (O_2) correction factor to be applied to "combustion emissions" in relation to enforcement of emission limitations [Sections 040(1)(b) and 040(6)(b)]. The application of the O_2 correction factor must be defined in terms applying it to emissions where combustion emission streams are combined with non-combustion emission streams. Also for purposes of determining compliance the regulation must include a definition of the method by which separate, applicable emission standards apply to separate emission streams combined in a single stack.

ii. *State Response.* The State indicates this deficiency will be corrected to deal with separate streams combined in one stack so that the most stringent emission requirement will apply to the combined stream, except in those instances where specific limits can be determined for each stream.

iii. *Public Comment:* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct this deficiency.

b. *Source Test Procedures.* WAC 173–400–120(3). i. *Deficiency:* The SIP does not include source test procedures for each emission limitation or specific reference to a properly identified source test method which is submitted in conjunction with the revised SIP for the record. The reference would normally include the title, number (if the method is coded), and the date of the appropriate version of the method(s).

ii. *State Response.* The State agrees that source test procedures need to be a part of the SIP. Further, they will revise the SIP in Part IV—Applicable Regulations to include date referenced source test methods for each emission standard.

iii. *Public Comments.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiency.

c. *No Burn Areas.* WAC 173–425. i. *Deficiency.* The SIP does not contain a description of no burn areas which are integral to the TSP control strategies.

ii. *State Response.* The State indicates that the required boundary descriptions will be submitted.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiency.

d. *Updating of Existing SIP Regulations.* The State has submitted a regulatory package which neither includes certain of the State regulations nor all the local agency regulations which are currently a part of the approved SIP. For the most part, the State regulations, as currently submitted for approval, provide an equivalent level of enforcement as applied to all control strategies in the State. (See 44 FR 20372—General Preamble for Part D SIPs for a discussion of continuity of enforcement between old and new SIP requirements.) However, for the following regulatory provisions, which are part of the currently approved SIP, EPA is taking no action until the State submits information demonstrating that these regulations are not necessary for attainment and maintenance of the NAAQS.

(1) *Sensitive Areas.* WAC 18–06. i. *Deficiency.* The new SIP no longer requires enforcement of this regulation, which contains 20 percent instead of 40 percent visible emission standards for wigwam burners in certain designated sensitive areas of the State and does not quantify the effect of this action on air quality.

ii. *State Response.* The State indicates that the few sources that are affected are located in rural attainment areas and that there will be negligible impact on air quality if WAC 18–06 is removed from the SIP.

iii. *Public Comment.* None.

iv. *EPA Action: Approval*—Because of the small number of sources involved and their location in rural attainment areas, EPA agrees with the State's contention that the impact of this action deleting this existing regulation will not impair attainment and maintenance of NAAQS.

(2) *Grass Seed Field Burning.* WAC 18–16. i. *Deficiency.* The proposed SIP does not include WAC 18–16. However, even though all the grass seed field burning takes place in attainment areas, there is no accompanying quantification of the air quality impact of this action.

ii. *State Response.* The State indicates that WAC 18–16 was deleted from the SIP because (a) it is a permitting procedure only and (b) WAC 173–425 (open burning) also provides control of agricultural open burning.

iii. *Public Comment.* None.

iv. *EPA Action: None*—Since WAC 173–425 specifically excludes control of grass seed field burning (Section 020), the condition is not satisfied. Unless it can be shown that the air quality impact of removing this control is insignificant, the existing SIP provision will remain in place. This is especially important in conjunction with the Spokane TSP non-attainment area.

(3) *Primary Aluminum Plants.* WAC 18–52. i. *Deficiency.* The proposed SIP does not include the currently approved opacity limitations of WAC 18–52–031(3) and does not provide a demonstration of effect on air quality.

ii. *State Response.* The State indicates that Part IV–A of the SIP "applicable Regulations" will be revised to include opacity limitations.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will satisfy the condition.

(4) *PSAPCA Regulation I Section 9.07(c): 90 percent limitation on input sulfur.* i. *Deficiency.* Section 9.07(c) of PSAPCA Regulation I is being updated by WAC 173–400–040(6)(a) without a demonstration of equivalent stringency.

ii. *State Response.* The State implies that WAC 173–400–040(6)(a) is at least as stringent as PSAPCA Regulation I Section 9.07(c).

iii. *Public Comment.* The Puget Sound Citizens Committee opposes the substitution of WAC 173-400-040(6) for the PSAPCA Regulation I Section 9.07(c).

iv. *EPA Action: None*—EPA's calculations show that the PSAPCA regulation is 25 percent more stringent than the State regulation. Therefore, this part of the existing approved SIP will remain in place unless it is demonstrated that such additional control is not necessary for maintenance of sulfur dioxide (SO_2) standards and further, that the PSD increment will not be affected by less stringent controls.

e. *Indirect Source Regulation.* The Washington Indirect Source Regulation (WAC 18-24) was submitted November 21, 1974 and subsequently repealed by the State on June 26, 1975. Based upon a request from the State, EPA initially proposed to delete the program from the SIP on August 1, 1975 (40 FR 32347).

i. *Deficiency.* None.

ii. *State Response.* None.

iii. *Public Comment.* None.

iv. *EPA Action.* Section 110(a)(5)(A)(iii) of the Act, as amended, now allows the State to remove its indirect source regulations from the SIP so long as the State can demonstrate that NAAQS will be maintained in the absence of the State indirect source regulation.

Recently, the case of *Manchester Environmental Coalition* v. *United States Environmental Protection Agency*,—F.2d—(No. 79-4062, 2d Cir. dec. Dec. 6, 1979) was decided. That case involved EPA approval of a state's request to revoke its indirect source review program which was part of the State Implementation Plan (SIP). The Court held that before deciding whether to approve such a revocation EPA must consider whether revocation would render the SIP inadequate to attain and maintain the national ambient air quality standards.

The Court remanded the case back to the Agency with strong suggestion that the appropriate procedure for EPA to follow could be to consider the indirect source SIP revision in conjunction with the State's Part D submission. The Court further suggested that EPA approval in this manner would allow the State to revoke its indirect source regulation, while insuring that the revision meets the requirements of Section 110.

EPA proposed rulemaking on the Part D plan for attaining NAAQS in Washington on November 9, 1979 (44 FR 65084). The strategies for attaining the CO and O_3 standards were either found to meet the requirements of Part D and thus were approvable, or were found to have minor deficiencies and were conditionally approvable. Since EPA has proposed approval or conditional approval of the Part D plan for attainment and maintenance of the CO and O_3 standards, use of an additional strategy of indirect source review is not necessary to meet attainment requirements of the Clean Air Act. Based on its review, EPA concludes that revocation of the State's indirect source regulation would not render the SIP inadequate to attain or maintain those standards. Accordingly, EPA proposed to rescind WAC 18-24 as part of the November 9, 1979 rulemaking.

The substantive review process conducted by EPA with regard to the indirect source regulation was identical to the review conducted by EPA with regard to the Part D SIP. Thus, EPA has determined that there was no need to repropose deletion of the State indirect source regulations as the public has had an adequate opportunity to comment on the proposed revocation of the Washington indirect source review program.

There are no comments from the State or the public on this proposed action. Therefore, as final action, EPA is rescinding WAC 18-24 from the Washington SIP.

5. *Legal Authority.* The legal basis for the proposed Washington SIP is chapter 70.94 RCW entitled (Washington State) "Clean Air Act." The legal analysis of the State authority showed that this statute satisfied all requirements of the Federal Clean Air Act.

However, the Second Division of the Washington Court of Appeals in *Puget Sound Air Pollution Control Agency* v. *Kaiser Aluminum and Chemical Corporation*, No. 3396-II (January 29, 1980), found that for the purpose of civil enforcement action, that the Washington Clean Air Act required that a person "knowingly" violate the applicable emission limitation or pollution control standard. Thus, the Court held the challenged PSAPCA regulations were invalid and unenforceable because they went beyond the authority provided by the State Clean Air Act.

The implications of this ruling affected other local agency regulations as well as the regulatory program of the Department of Ecology (DOE). It was the opinion of EPA that this apparent deficiency in the State program legal authority placed a cloud on the enforceability of the proposed SIP and might jeopardize EPA's ability to approve the SIP.

As a result of EPA's stated concerns and in light of the potential imposition of economic limitations and restrictions on new source growth in the State of Washington, the State Legislature responded to the call for action. Senate Bill 2751 was introduced in the legislature. Its purpose was to strike the "knowingly" requirement from the State Clean Air Act. This legislation passed both houses and has been signed by the Governor and is submitted to EPA as a revision to the Washington legal authority.

Washington legal authority RCW 70.94.181 permits the granting of a variance to a source which may not be in compliance with the applicable regulations which are a part of the Federally approved SIP control strategy. This variance provision is acceptable insofar as non-criteria pollutants are concerned. However, as to emission limitations or other air quality controls regarding criteria pollutants, the variance provision is acceptable only in accordance with the following conditions. First, the variance must be submitted to EPA as a proposed revision to the SIP; and second, the variance shall not take effect for Federal purposes unless and until EPA takes final Agency action approving the variance as a proposed revision to the SIP.

The State must take any action necessary under Washington State law to insure that the existing and proposed state regulatory program is valid and enforceable under the amended State Clean Air act. The State must insure that the existing SIP requirements discussed in Section III(A)(4)(d) entitled "Updating Existing SIP Regulations," are valid and enforceable under the amended State Clean Air Act.

i. *Deficiency.* Described above.

ii. *State Response.* The Governor signed the bill into law on April 4, 1980 and the State has submitted the amended legislation as a revision to the SIP on May 1, 1980.

iii. *Public Comment.* None. On May 1, 1980 the State of Washington Department of Ecology submitted to EPA as a proposed revision to the Washington SIP substitute Senate Bill No. 2751. This bill was adopted by the Washington Legislature on March 13, 1980 and signed by Governor Ray on April 4, 1980. Pursuant to the Washington Constitution substitute Senate Bill No. 2751 (Chapter 175, Laws of 1980), will become effective on June 12, 1980.

The effect of this change is to, by legislative action, reverse the decision of *Puget Sound Air Pollution Control Agency* v. *Kaiser Aluminum and Chemical Corporation*, 25 Wn. App. 273 (1980). Section 2 of Chapter 175 amends the Washington Clean Air Act (RCW 70.94.040) to eliminate the reference to a "scienter" requirement in connection

with a person's culpability for causing air pollution.

This proposed SIP revision involves a legislative change which is totally consistent with the manner in which the Washington SIP has been administered over the course of the past eight years. Further, the court case which gave rise to the State legislature enactment was decided after the date of EPA's proposal of the Washington SIP (November 9, 1979, 44 FR 65084) and concerned the matter of state enforceability of the SIP. Therefore, the Administrator finds that there is good cause for today taking final action regarding the matter of the recent amendments to State emission standards.

iv. *EPA Action: Approval.* The State Clean Air Act has been amended to satisfy the deficiency.

B. Non-Attainment Area Plans

The non-attainment area plans will be discussed in groups categorized by pollutant. Each discussion will provide a brief description of the area, predicted attainment dates, extensions requested, control measures proposed, and any problems that will interfere with SIP approval.

In most non-attainment areas there are regional air pollution control authorities responsible for developing and implementing their own control strategy. The DOE, however, has elected to include State regulations in the SIP as the basis for non-attainment control strategy implementation, except where more stringent local regulations are needed for purposes of attainment and maintenance of NAAQS. (See 44 FR 20372—General Preamble for Part D SIPs for a discussion of continuity of enforcement between old and new SIP requirements.)

1. *Extension Requests.* a. CO/O_3: The State has requested and EPA approves, an extension of the 1982 CO and O_3 attainment dates for Seattle-Tacoma areas. An extension of the 1982 deadline for Vancouver is also approved due to that area's inclusion in the Portland/Vancouver interstate O_3 non-attainment area. The necessity of an extension for Spokane for CO is currently under review and will be the subject of a separate **Federal Register** notice in the near future. Specific deficiencies in each of the above areas' non-attainment plans are discussed in the area specific reviews that follow.

b. TSP (Secondary): Under Section 110(b) of the Act, the State requests an extension of the date for submittal of plans of the attainment secondary TSP standards. As required by 40 CFR 51.31, the State has demonstrated that attainment of the secondary standard will require emission reductions exceeding those which can be achieved through application of reasonably available control technology (RACT). After proposing approval of the State's request (44 FR 29499) and receiving no comments, EPA approved the extension on July 30, 1979 (44 FR 44497).

2. *Carbon Monoxide/Ozone.* a. *Seattle-Tacoma Area (CO and O_3).* (1) *Background.* The Seattle-Tacoma non-attainment area for CO and O_3 includes parts of three counties—King, Pierce, and Snohomish—and the major cities of Seattle and Tacoma. Actual air quality violations have been measured at several locations throughout the area. However, rather than identifying a number of small, "hot spot" non-attainment areas, a larger "management area" was designated non-attainment. This management area encompasses both the actual problem areas and the points from which the traffic creating the problem originates. For CO, this area extends north to Marysville, east to Issaquah, south to Spanaway and west to Puget Sound. The O_3 area is slightly larger.

The designated lead agency for this area is the Puget Sound Air Pollution Control Agency (PSAPCA). PSAPCA worked with the Puget Sound Council of Governments (which serves as the local Metropolitan Planning Organization), the Washington State Department of Transportation, the Federal Highway Administration, and the DOE in developing this plan. Public participation was provided through action by the Citizens Committee on Transportation Control Planning. This public group met nine times during the second half of 1978 to develop transportation control plan recommendations.

The control strategy for achieving the NAAQS in this area consists of measures to reduce emissions from both stationary (i.e., industrial) and transportation sources. Transportation sources typically account for over 90 percent of the CO emissions within this area and up to 60 percent of VOC emissions. This section discusses only the transportation control measures. For information on stationary source requirements, particularly as it relates to attainment of ozone standards, the reviewer should refer to the appropriate preceding sections on general regulations.

(2) *Emission Reduction Required.* For CO, the maximum hot spot emission reduction required is 50 percent in the Seattle central business district (CBD). Attainment of the NAAQS no earlier than 1984 is predicted by the use of EPA approved modeling techniques. The proposed CO control strategy is briefly discussed in the next section entitled, "Control Strategy."

For O_3, preliminary projections estimate only a 17 percent emission reduction will be necessary to ensure attainment of the one-hour O_3 standard by 1982. However, errors have been discovered in some of the rollback modeling assumptions utilized to make this projection. Since receipt of the SIP by EPA, the State has indicated the following: (1) Its intent to refine the O_3 modeling by the use of a more sophisticated model; and (2) its decision to apply the results of that model to the VOC strategy. This will be completed and submitted by July 31, 1980.

Because the data from this more sophisticated model will replace initial modeling projections, EPA is not requiring the State to correct the technical deficiencies noted in the initial analysis. This decision is intended to allow the State to devote maximum resources to upgrading its technical analysis. The more sophisticated model will, in all likelihood, project an attainment date well past 1982 and a consequent need for significantly greater VOC emission reductions to meet the O_3 standard. (It is anticipated that the I/M program can provide part of the VOC emission reductions needed.)

(3) *Control Strategy.* Carbon monoxide (CO), primarily a transportation-related pollutant, is to be controlled by the transportation measures outlined below. Ozone (O_3), on the other hand, is to be controlled by reducing VOC emissions from both transportation and stationary sources. The stationary source control measures have been previously outlined in the "Volatile Organic Compounds" section and will not be reiterated here.

The measures designed to reduce vehicle emissions operate generally in two ways: (a) By reducing vehicle usage; i.e., improved mass transit, carpooling, etc., or (b) by reducing the emissions from individual vehicles; i.e., inspection and maintenance, traffic flow improvements, etc. Both techniques are generally applicable to reducing both CO and O_3.

In general, the overall control strategy includes either implementation, or increased utilization, of the following transportation measures by 1982:

(1) Inspection and maintenance (See preceding discussion on this topic);

(2) Improved public transit;

(3) Exclusive bus and carpool lanes;

(4) Long range transit improvements;

(5) Park and ride and fringe parking lots;

(6) On-street parking controls;

(7) Traffic flow improvements;

(8) Area wide ride-sharing programs;
(9) Bicycle lanes and storage, pedestrian facilities; and
(10) Road pricing to discourage single occupancy autos.

In addition the following control measures will be evaluated by the State by July 1, 1980 as strategies for possible implementation by 1982:

(1) Flextime/staggered hours/4-day work week;
(2) Employer programs: ride sharing, transit usage;
(3) Restriction of parking supply in areas of high vehicular usage;
(4) Standardization of off-street parking rates to minimize vehicle cruising;
(5) Land use control to benefit air quality;
(6) Controls on extended vehicle idling;
(7) Accelerate current committed strategies; and
(8) Metro transition and Tacoma transit study.

(4) *Deficiencies/Comments/EPA Action.* i. *Deficiencies.* The deficiencies in the stationary source regulations applicable to the Seattle-Tacoma area have been previously discussed ("New Source Review" and "Volatile Organic Compound Regulation" sections of this notice) and will not be restated here. More sophisticated modeling and subsequent revision to the O_3 strategy are necessary. In addition to provisions for conducting alternative site analyses [Section 172(b)(11)(A)] are not included.

ii. *State Response.* The State agrees to add provisions for alternative site analysis and revise the O_3 analysis, in addition to completing the revisions to the stationary source regulations.

iii. *Public Comment.* PSAPCA requests guidance on alternative site analyses. EPA has not yet developed such guidance. It is assumed these analyses can be conducted in a manner as similar to environmental impact analyses. Western Oil and Gas Association suggests that rollback modeling as the basis of the O_3 strategy is adequate and that more sophisticated modeling is not needed. EPA analysis of the simple rollback technique indicates that it is conservative in estimating reductions required. EPA on November 14, 1979 published suggested modeling techniques based on area population (44 FR 65667).

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiencies noted.

b. *Spokane Co.* (1) *Background.* The Spokane non-attainment area is confined to a small portion of the central business district (CBD) and major traffic corridors. The designated lead agency is the Spokane Regional Planning Conference (SRPC). The SRPC worked closely with the Spokane County Air Pollution Control Authority, the Washington Department of Transportation, the Federal Highway Administration and the DOE in developing this plan.

Citizen participation was realized through the citizen advisory committee and four public hearings. Involvement of elected officials occurred at both the city and county levels through their participation in public hearings and interdepartmental and advisory committees.

(2) *Emission Reduction.* The original attainment analysis was conducted using an EPA approved model and predicted attainment of the 8-hour standard by approximately 1982 through implementation of reasonably available control measures and without I/M. The total reduction required to achieve the standard is 57 percent. The initial emission reductions projected to result from the control strategy discussed below (approximately 59–68 percent by 1983) are felt by EPA to be excessive. The air quality analysis upon which this prediction was based is judged by EPA to be technically inadequate.

The SRPC revised the technical analysis in an attempt to correct these deficiences. The reanalysis was completed December 15, 1979. On December 18, 1979 a meeting was held with representatives from the State, Spokane and EPA and it was concluded that based on the reanalysis, and implementation of all the described transportation control measures, CO standards could be attained by 1982, without I/M. Subsequently, the City of Spokane failed to adopt an ordinance restricting parking. This was in conflict with the schedule for implementing necessary control measures that was submitted to EPA by the State on December 21, 1979. In addition, EPA has discovered further problems with the Spokane analysis, which seriously jeopardize the approvability of the TCP. Because of this EPA has not included the TCP development schedule in this notice.

(3) *Control Strategy.* Carbon monoxide (CO), primarily a transportation related pollutant, is to be controlled by the transportation measures outlined below. These measures may be revised as part of the new TCP being developed.

In order to reduce emissions from mobile sources two different approaches can be taken. The first approach is to reduce vehicle usage (e.g., miles traveled). The second approach is to reduce the emissions from individual vehicles (i.e., inspection and maintenance). Measures scheduled for implementation or already wholly or partially implemented include the following:

(1) Joint use of park and ride lots—1/1979
(2) Remote park and ride lots—1980
(3) Fringe parking lot program/shuttle bus service—1979
(4) On-street parking controls—1980 (rev. 12/79)
(5) Staggered work hours—1/1980
(6) Computerized synchronization of traffic controls—9/1979
(7) Major construction: North Foothill Drive—1982

Other measures to be evaluated by July 1, 1980 for possible implementation before 1983 include:

(8) Other traffic flow improvements—1979–1980
(9) Expanded marketing program for transit system—1979
(10) Downtown transit terminal—1979–1983
(11) Bus ridership incentive program—1/1979
(12) Employer program to encourage car and vanpooling and use of mass transit—1979
(13) Controls on extended vehicle idling—1979
(14) Fleet vehicle controls—1980
(15) Loading zone usage and other controls—1979
(16) Provision of "high occupancy" vehicle facilities—2/1979
(17) County enforcement of prohibitions on excessive emissions—1979
(18) Bikeways and provision of storage facilities for bicycles—1/1979
(19) Public awareness of air pollution—1/1979

(4) *Deficiencies/Comments/EPA Action:* i. *Deficiencies.* The Spokane TCP is currently being developed. The condition contained in the November 9, 1979 **Federal Register** proposal, regarding completion of a TCP reanalysis by December 15, 1979, has been satisfied. However, as mentioned previously, EPA has discovered additional problems with the emission reduction credits in the revised analysis and has serious doubts about Spokane's ability to attain the CO standard by December 31, 1982.

ii. *State Response.* The State has submitted a plan to develop and submit a revised TCP which will correct the deficiencies. However, as mentioned previously, the plan is not included as part of this action.

iii. *Public Comments.* None.

iv. *EPA Action: None*—EPA is preparing a detailed analysis of the TCP and will publish a final decision as a separate action. This will include a new TCP development schedule.

c. *Vancouver* (O_3). (1) *Background.* The Vancouver non-attainment area is part of the larger Vancouver, Washington-Portland, Oregon interstate

non-attainment area. It includes the cities of Vancouver and Camas, both in Clark County.

The Vancouver O_3 plan was developed through the joint efforts of the Clark County Regional Planning Council (CCRPC) and the Portland Metropolitan Service District. The CCRPC is the designated lead agency for the Vancouver plan. Other agencies involved in the plan development include DOE, Southwest Air Pollution Control Authority, the Oregon Department of Environmental Quality, the Washington Highway Commission and the Federal Highway Administration.

Public and government official participation was realized through involvement of city and county officials and selected private citizens in the Air Quality Advisory Committee which met on a biweekly basis for several months prior to the public hearing for plan approval.

(2) *Emission Reduction.* Using an approved EPA modeling technique the initial air quality analysis indicates that a 50 percent reduction in 1977 VOC emissions will be needed to meet the 0.12 ppm Federal ozone standard. The exact attainment date has not been determined but will be identified as part of the correction of plan deficiencies which are scheduled to be submitted by July 31, 1980. Extension beyond 1982 is required.

(3) *Control Strategy.* Ozone is controlled by reducing emissions of VOC from both transportation and stationary sources. The stationary source control measures have been previously outlined in the "Volatile Organic Compounds" section and will not be reiterated here. The required emission reductions from mobile sources are to be derived from the Federal Motor Vehicle Emission Control Program and the following transportation control measures:

(1) Inspection and maintenance;
(2) Improved public transit;
(3) Exclusive bus and carpool lanes;
(4) Areawide carpool programs;
(5) Long-range transit improvements;
(6) Parking controls;
(7) Park and ride lots;
(8) Pedestrian malls;
(9) Employer programs to encourage carpooling and vanpooling;
(10) Traffic flow improvements;
(11) Bicycle program; and
(12) Expanded bus service on I–5 corridor.

It is important to note that the technical analysis applies to the entire Vancouver-Portland interstate area and that most of the above measures are to be implemented in Portland only.

(4) *Deficiencies/Comments/EPA Action:* i. *Deficiencies.* The Vancouver plan does not address several important provisions outlined in the EPA–DOT Air Quality—Transportation Planning Guidelines. Specifically, the plan does not include a Vancouver specifc inventory of VOC emissions with projections for 1982 and 1987; a clear definition of TCP development roles in terms of both stationary and mobile source responsibilities; a schedule for the comprehensive analysis of alternatives; identification of resources necessary to carry out the plan; evidence of adequate public and elected official participation in the plan development; provisions for progress reporting, a commitment to fund projects for the purpose of expanding and improving public transit; provisions for alterntive site analysis; adequate provisions for conducting NSR on VOC sources; and RACT requirements for VOC sources.

ii. *State Response: None.*

iii. *Public Comment.* On January 22, 1980, EPA received a letter from the CCRPC responsing to each of the above points. They stated that the 1977 VOC emissions inventory is complete and submitted a summary. The identification of roles for TCP development, a schedule for the comprehensive analysis of alternatives and the identification of resources necessary to carry out the plan are being developed in conjunction with CCRPC's first Unified Planning Work Program (UPWP) due in July 1980. Provisions for progress reporting will be described in terms of the periodic reporting required by the UPWP. It was stated that the State I/M schedule for program implementation (Submitted December 21, 1979) will apply to Vancouver.

iv. *EPA Action—Conditional Approval:* Many of the deficiencies noted above have not yet been corrected. Two major VOC control measures (I/M and VOC regulations for stationary sources) are in place. Selection of other transportation control measures has not been completed.

It is important to keep in mind that the Vancouver strategy is tied in closely with the Portland, Oregon, strategy. They both relate to the same non-attainment area. The Portland strategy has been submitted and was the subject of published proposed rulemaking January 21, 1980 (45 FR 3929). It was proposed to be conditionally approvable based on completing demonstration that the 25 percent program effectiveness criteria would be met. The same criteria applies to Vancouver and has been demonstrated as described earlier in this notice. EPA will conditionally approve the Vancouver O_3 attainment plan contingent upon the correction of all of the above identified deficiencies by July 31, 1980.

d. *Yakima Co.* (1) *Background.* The Yakima non-attainment area is confined to a fourteen square block area bounded by the following streets; Front, D, Third, and Walnut.

(2) *Emission Reduction.* The attainment analysis was conducted using a simple rollback modeling approach. The total reduction required to achieve the CO standard (28 percent) is predicted by 1982 based solely on the Federal Motor Vehicle Emission Control Program. Therefore, Yakima is projected to attain the CO standard prior to December 31, 1982.

(3) *Control Strategy.* The Federal Motor Vehicle Emission Control Program is projected to result in the required reduction in emissions necessary to attain the standard in a reasonable time frame. Additional measures include central business district (CBD) parking and traffic flow improvements. The establishment of a transportation planning process will insure that future air quality considerations are addressed on an annual basis.

(4) *Deficiencies/Comments/EPA Action: Approval*—There are no deficiencies in the Yakima strategy for attaining CO. Therefore, EPA approves the Yakima CO attainment plan with no conditions.

3. *Total Suspended Particulate.* Control strategies discussed in this section are designed to enable each non-attainment area to attain the *primary* NAAQS (75 $\mu g/m^3$) for total suspended particulate (TSP). Section 110(b) of the Act allows up to an 18-month extension in time for the development of a plan to attain the secondary 24-hour NAAQS of 150 $\mu g/m^3$: *Provided,* That the State can show that attainment of the secondary standard will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology (RACT). The State of Washington on April 4, 1979, requested such an extension based upon the determination that all existing sources were currently meeting the RACT requirement. EPA proposed to approve the extension request on May 21, 1979 (44 FR 29499), and, in the absence of any public opposition, gave final approval on July 30, 1979 (44 FR 44497).

Due to the potential promulgation of a new particulate matter standard in 1981, EPA has recently given the state and local agencies greater lattitude in determining when to require costly controls that may not be necessary to

meet a revised standard. Although it now appears that most, if not all, of the proposed control strategies discussed in this section will still be required under a new standard, some cities may choose to defer actual implementation of the more costly strategies for contorl of non-traditional sources until future requirements are better defined.

a. *Seattle-Tacoma.* (1) *Background.* The designated area in Seattle for primary standard violations includes the north portion of the Duwamish River industrial area, and extends to the southern boundary of the central business district (CBD). The Tacoma non-attainment area for primary violations standards includes the Tideflats industrial area, the eastern portion of the CBD and the northern portion of South Tacoma Way corridor. Both of these areas are within the jurisdiction of the Puget Sound Air Pollution Control Agency (PSAPCA), the designated lead agency for TSP plan development.

(2) *Emission Reductions Required.* Based on rollback model calculations, emission reductions required to meet the primary annual NAAQS are as follows:

Seattle—33 percent
Tacoma—31 percent

These figures incorporate emissions growth estimates which were determined for each source classification.

(3) *Control Strategies.* The proposed control strategies are based on a proportional rollback model. EPA agrees that rollback will be acceptable as an interim approach with the understanding that dispersion modeling will be conducted in the future. Development of the required model is currently in progress.

Part IV–B of the SIP indicates that, in general, all stationary sources of TSP are employing RACT level control. Non-traditional sources of TSP are felt to be the major problem at this time. DOE intends, however, to conduct a review of sources on a case-by-case basis to determine if further controls on stationary sources are reasonable.

(4) *Defiencies/Comments/EPA Action:* i. *Deficiencies.* Deficiencies in the Seattle-Tacoma TSP must be corrected as follows:

(a) The text of SIP Section V–A, Chapter VII.—TSP Control Strategy must be rewritten to be internally consistent with SIP Section IV–B, the general discussion of the statewide TSP control strategy.

(b) By July 31, 1980 the State must submit at a minimum, to a schedule to examine control alternatives consistent with the following:

(1) Determine the nature and source of the TSP problem. Activities could include particle size monitoring and evaluation of potential control strategies in relation to attainment of a new particulate standard—12/1980
(2) Develop control strategy and obtain all legal commitments necessary to ensure attainment of NAAQS by statutory deadline of Decmber 1982—7/1981
(3) Complete implementation of control strategy—12/1982

ii. *State Response.* The State indicates that the text will be revised for consistency and that the plan to determine the nature of the particulate problem will be submitted by the deadline.

iii. *Public Comment: None.*

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiencies.

b. *Vancouver.* (1) *Background.* The designated area is confined to a small portion of the industrial port area covering about one square kilometer. The problem appears to be caused by a single point source, which is currently under compliance order issued by the Southwest Air Pollution Control Authority.

(2) *Emission Reductions Required.* The SIP discusses impact of emissions from the above source on air quality at the location of the monitor showing violation of NAAQS. An approximate 90 percent control of process emissions and 80 percent control of fugitive emissions from the subject source is expected from currently scheduled plant modifications. However, the SIP does not specifically define the emission reduction required nor does it contain the required enforcement orders.

(3) *Control Strategy.* An EPA approved model shows a 54 percent contribution to the ambient particulate concentration from the single point source previously discussed. EPA agrees that control of this source should result in attainment of at least the primary NAAQS. However, the reasonable further progress (RFP) information submitted by the State does not agree with emission inventory projections and does not demonstrate attainment.

(4) *Deficiencies/Comments/EPA Actions.* i. *Deficiencies.* The SIP lacks an emission inventory and RFP analysis which shows (a) an enforceable program for emission reductions to be achieved by the industrial source, and (b) emission increases that are expected to occur between 1977 and the attainment date as a result of areawide growth. The SIP also lacks an air quality analysis demonstrating compliance with Part D requirements and relating the emissions associated with the industrial source (see (1) above to the air quality levels at the non-attainment monitors.

ii. *State Response.* As a result of a meeting held by EPA with the State and the local air pollution control agency, the State agrees to revise the strategy to correct the deficiencies on or before July 1, 1980.

iii. *Public Comment.* Comments from an Oregon citizens group suggest that the Vancouver non-attainment should be expanded to include Hayden Island, Oregon. EPA is currently reviewing the air quality data and other information available and will propose such action separately if found to be appropriate. The Oregon DEQ suggested that the SIP did not provide for a compliance program leading to attainment of NAAQS. EPA agreed and has conditioned its approval accordingly.

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiencies.

c. *Spokane.* (1) *Background.* The designated non-attainment area consists of a large portion of the CBD with an extension to the east to include a light industrial area. The plan was developed by the Spokane Regional Planning Council (lead agency) with considerable assistance from the Spokane County Air Pollution Control Authority.

(2) *Emission Reductions Required.* Proportional rollback modeling predicts a 51 percent reduction in emissions will be needed to attain the primary annual TSP standard. Much of the problem has been attributed to non-traditional sources—primarily unpaved roads and parking lots and resuspended dust from paved streets.

(3) *Control Strategy.* The SIP contains formal commitments to obtain needed reductions by the following actions:

(a) Paving roads;
(b) Paving parking lots;
(c) Sweeping and flushing streets;
(d) Increasing the no burning zone; and
(e) Continued application of RACT on point and fugitive sources.

Approximately 60 percent of the required emission reduction is to be achieved by the paving of roads. A majority of the remaining dust will be controlled by the paving of parking lots. The city adopted, by resolution, a schedule for completing the necessary street paving, in conjunction with interim dust palliative treatment for the streets. This was done with the understanding that such control measures were required for attainment of the primary standard by the 1982 statutory date.

Spokane has indicated that the strategy identified in the SIP is likely to be delayed until such time as EPA

promulgates specific requirements for the control of non-traditional sources of particulate matter. This decision stems from the increased latitude recently given to local agencies regarding implementation of costly non-traditional TSP control strategies such as street paving. It also reflects the difficulty expected in establishing a street paving program.

Street paving in Spokane is accomplished through the formation of Local Improvement Districts (LID), normally initiated by petition by the property owners along the street. This requires the property owners to pay for the paving and thus may not be feasible. LIDs are formed by resolution (with the cost partially or wholly borne by the city) only when required. Since EPA's present posture is to proceed with caution regarding immediate implementation of an extensive program for street paving for attainment of ambient particulate standards, Spokane may be reluctant to retain their commitment to the schedule presently specified in the SIP.

(4) *Deficiencies/Comments/EPA Actions:* i. *Deficiencies.* (a) The text of Section V–B of the Washington SIP is not internally consistent with Section IV–B. The rollback calculations and required emission reductions are correct, but the supporting documentation needs to be modified to agree with the rollback analysis.

(b) By July 31, 1980 the State must commit, at a minimum, to a schedule to examine control alternatives consistent with the following:

(1) Determine the nature and source of the TSP problem. Activities could include particle size monitoring and evaluation of potential control strategies in relation to attainment of a new particulate standard—12/1980
(2) Develop control strategy and obtain all legal commitments necessary to ensure attainment of NAAQS by statutory deadline of December 1982—7/1981
(3) Complete implementation of control strategy—12/1982

ii. *State Response.* The State indicates that the described deficiencies will be corrected in accordance with the stated deadline.

ii. *Public Comments: None.*

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiencies.

d. *Clarkston.* (1) *Background.* The designated area is part of the Clarkston, Washington-Lewiston, Idaho Interstate non-attainment area. The Clarkston portion is defined by the city limits. Major contributors to the non-attainment problem are rural fugitive dust, unpaved roads and parking lots, and point and area sources located in Lewiston.

Clarkston, in light of its low population and lack of significant industrialization, would ordinarily qualify for attainment status under EPA's rural fugitive dust policy (in spite of TSP NAAQS violations). However, as Clarkston shares a small, confined air shed with more industrialized Lewiston, Idaho, area, the non-attainment designation is at this time applicable to both cities. EPA will review the Clarkston non-attainment status once the Idaho Department of Health and Welfare (IDHW) and the City of Lewiston complete a study currently underway to define the nature and source of the TSP problem in Lewiston.

(2) *Emission Reductions Required.* Rollback calculations identify the need for a 30 percent reduction in emissions in order to meet the primary standard of 75 $\mu g/m^3$.

(3) *Control Strategy.* Measures include: (a) Emission reductions from Lewiston sources, particularly the large kraft pulp mill.

(b) Application of RACT to fugitive dust sources in downtown Clarkston. A three-year plan for paving road shoulders and alleys, signed by the mayor, is indicative of this community's commitment to controlling sources located in their portion of the non-attainment area.

(4) *Deficiences/Comments/EPA Action:* i. *Deficiencies.* The current strategy does not demonstrate attainment and must be revaluated and modified, as necessary based upon the results of the joint IDHW/Lewiston TSP study currently in progress.

ii. *State Response.* The State indicated that the above condition will be satisfied in accordance with the deadline of July 31, 1980.

iii. *Public Comment: None.*

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiencies.

4. *Sulfur Dioxide.* a. *Tacoma.* The area designated March 3, 1978, is parabolic-shaped, extending approximately three and one-half (3½) miles south-southwest from the ASARCO Copper Smelter. Based on a stipulated agreement between EPA and ASARCO entered in the United States Court of Appeals for the Ninth Circuit, EPA proposed redesignation of this area to "unclassifiable" on August 6, 1979 (44 FR 45970) and approved this redesignation on November 20, 1979 (44 FR 68834). This redesignation is intended to defer the requirement for a Part D SIP revison until EPA completes rulemaking action under Section 123 of the Act. Therefore, EPA is not taking action at this time concerning the State-submitted Part D non-attainment SIP revision. The existing approved SIP will remain in effect.

C. *General Comments.* A number of comments were submitted which dealt with aspects of the SIP not presented as deficiencies. These comments or groups of similar comments, are discussed in the following paragraphs:

a. *Local Agency Regulations.* The Puget Sound Air Pollution Control Agency, the Olympic Air Pollution Control Authority, the Puget Sound Citizens Committee for Air Quality and Transportation Control Planning, the Washington Lung Association and one private citizen contended that all local agencies' regulations should remain as part of the SIP. They all agreed that because the local agencies are primarily responsible for enforcing the SIP, their regulations should be a part of it. EPA disagrees, in the where the State regulatory structure is as stringent as the local regulations it is adequate for the purpose of Federal enforcement of the SIP. EPA recognizes that where local regulations are more stringent than the State's and are necessary for attainment of maintenance of standards, they will be a part of the SIP.

b. *Application of RACT/BACT Requirements.* The Washington Lung Association commented that the application of the RACT requirements in the DOE regulations should be on a source category basis first, then on a case-by-case basis. The Northwest Pulp and Paper Association commented that the definitions of RACT and BACT are more stringent than those *recommended* by EPA. EPA has reviewed these applications of RACT and BACT in the context of the strategies developed by the state and find that they are at least as stringent EPA's definitions of applicability. EPA feels these concerns should be resolved between the commentors and the State.

c. *SO_2 Strategy and State SO_2 Regulations.* The Washington Lung Association commented on the State regulations for SO_2, the proposed Tacoma SO_2 strategy, and the regulations governing stack heights and dispersion techniques. Because EPA has redesignated the Tacoma area as "unclassifiable" (44 FR 68834), the comment concerning the strategy no longer applies. The stack height regulation is consistent with the requirements of the Act and until EPA promulgates Section 123 regulations, EPA will defer response to this comment. EPA's response to the comment on the adequacy of a volumetric SO_2 emission standard is two

fold. First, as it applies to the copper smelter in Tacoma, the standard must be considered together with the requirements for tall stacks and dispersion techniques, which have yet to be promulgated by EPA. Second, for other major sources of SO_2 emissions, the standard appears to be an adequate limitation considering that SO_2 NAAQS are being attained in other areas of the State.

d. *Other Provisions of WAC–173–400.* The Northwest Pulp and Paper Association (Association) submitted copies of comments regarding construction of the various portions of the regulation. Identical comments were previously submitted by the Association at two previous State public hearings and were considered by the State prior to the State's submission of the SIP to EPA. EPA feels the remaining comments not already considered are not critical to this final rulemaking and are more appropriately a matter to be resolved between the Association and the State.

e. *Public Participation.* The Washington Lung Association commented that the commitment to public participation in the SIP was not strong enough. EPA encourages public and elected official involvement to the degree necessary to develop a SIP that *will* be implemented.

f. *National Comments.* One commentator submitted extensive comments which were requested to be considered part of the record for each state plan. Although some of the issues raised are not relevant to provisions in Washington's submission, EPA has placed its response to those comments in the Regional Office docket and in the Public Information Reference Unit in Washington, D.C. No further discussion of these comments or EPA's response will be provided in this notice.

IV. Additional SIP Requirements

EPA is taking final action to conditionally approve certain elements of Washington's plan. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble, 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53716 (September 17, 1979), and 44 FR 67182 (November 23, 1979). The conditional approval requires the State to submit additional materials by the deadlines previously proposed in 44 FR 65084. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the conditions are fully satisfied. After review is complete, a **Federal Register** notice will be published either approving or disapproving the State's action. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be placed in effect.

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth will be placed in effect or continue to be in effect.

* * * * *

The 1978 edition of 40 CFR Part 52 lists in the subpart for Washington the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each non-attainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Washington's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D.
>
> (123 Cong. Rec. H 11958. (November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing SIP requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendment to the Act. Moreover, EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.[1]

In addition, sources subject to pre-existing plan requirements may be relieved by complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made by EPA on a case-by-case basis.

* * * * *

It is important to note that the measures approved or conditionally approved in this final rulemaking are in addition to, and not in lieu of, existing SIP regulations. The present SIP emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of noncompliance penalties.

There are two main exceptions to this rule. First, if a pre-existing control requirement is incompatible with a new, more stringent requirement, the State may exempt sources from compliance with the pre-existing regulations during the period when compliance with the existing requirement conflicts with achieving compliance with the new requirement. Any exemption granted

[1] *See* General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979).

would be reviewed and acted on by EPA as a SIP revision. Second, an existing requirement can be relaxed or revoked if the revision will not interfere with attainment of standards.

* * * * *

Many SIPs contain provisions which allow one or more State air pollution official(s), at their discretion or under specified conditions, to grant certain changes or exemptions to SIP requirements. These State actions may be described as variances, equivalency determinations, orders, extensions, exemptions, exceptions, suspensions or something similar. For example, a SIP may specify that the installation and proper use of a certain type of control equipment is required, unless the director of the State agency, after fulfilling some procedural or substantive criteria, determines that another type of control equipment is equivalent to that specified. An additional example is a SIP provision which allows an exemption from the generally applicable emission limitation when conforming fuel is unavailable due to emergency circumstances. The most general type of discretionary authority provision in a SIP specifies that any source may apply for a variance from the applicable requirements and that a state agency official may grant such a request if certain procedural and substantive criteria are met.

In general, at the request of the State involved, EPA has in the past approved these procedures as part of the SIP. In some cases, the EPA approval states explicitly that State actions under the approved procedures must be submitted separately as SIP revisions in order to become part of the Federally approved, Federally enforceable SIP. In some other cases, EPA's approval has not addressed the question of whether separate submittals are required. The Agency wishes to clarify the effect of its approval of the procedures in order to distinguish the procedures themselves from specific actions taken in accordance with those procedures.

Any specific action taken by a State official, even if authorized under procedures approved by EPA, shall not modify the Federally approved SIP unless submitted to and approved by EPA as a separate revision to the SIP. (See 40 CFR 51.6(c)). Under 40 CFR 51.8, such SIP modifications do not replace EPA approved SIP provisions unless approved on a case-by-case basis by EPA as meeting the requirements of Section 110 of the Act and 40 CFR Part 51. The rule promulgated today clarifies the longstanding principle that substantive changes must be submitted and acted upon as SIP revision requests in order to have any effect on the Federally recognized, Federally enforceable requirements. Thus, while EPA may approve the procedures a State employs to modify the SIP, it does not thereby approve individual actions which may be taken under these procedures.

Section 110 of the Act imposes on the EPA Administrator a duty to exercise his independent judgment with regard to whether a SIP submittal is adequate to assure attainment and maintenance of the NAAQS. The Act and EPA regulations allow the States great flexibility to develop individually tailored approaches to air pollution control; however, the Administrator cannot fail to exercise his independent judgment on any SIP submitted for his approval. Provisions in SIP submittals which are essentially procedural or which allow the exercise of State discretion on substantive matters, such as emission limitation requirements, cannot be adequately evaluated since their effect on air quality cannot be determined until specific action is taken. (Rather than disapprove them in all cases, EPA will approve such provisions where they are not otherwise disapprovable under Section 110.) However, the air quality impacts of actions taken under these provisions must be evaluated by the Administrator before they can be recognized under Federal law.

It is not EPA's intention, however, that minor changes effected by a State official which do not change the substantive requirements applicable to one or more sources should be submitted as SIP revisions. Thus, the relocation of an ambient air quality monitor in accordance with Federal guidelines, for example, would not need to be reviewed for compliance with the Act.

In contrast, State construction permits which have been issued in accordance with SIP procedures approved by EPA as satisfying 40 CFR 51.18 and which satisfy the Emission Offset Interpretative Ruling, Part D of the Act, or EPA's prevention of significant deterioration regulations, are enforceable by EPA and do not require case-by-case approval by EPA. See 44 FR 3274 (January 16, 1979); and 40 CFR 52.21 and proposed changes at 44 FR 51924 (September 5, 1979).

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Sections 110(a) and 172 of the Clean Air Act as amended (42 U.S.C. 7410(a) and 7502).

Dated: May 28, 1980.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In § 52.2470 paragraphs (c)(16)–(c)(21) are added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(16) On April 27, 1979 the Governor submitted non-attainment area plans for all areas, except the Vancouver, Washington area, designated non-attainment as of September 11, 1979. This included a request for extension of attainment of carbon monoxide and ozone standards in the Seattle-Tacoma non-attainment area. The aluminum plant and pulp mill regulations submitted have since been revised by the State. Therefore, EPA will act on these regulations separately at a later date.

(17) On June 20, 1979, the Governor submitted the non-attainment plan for the Vancouver, Washington area and indicated a need for extension of the ozone attainment date beyond 1982.

(18) On August 17, 1979 the Governor submitted regulations for energy sources which are under the jurisdiction of the Energy Facility Site Evaluation council. These regulations and the program to implement them are incomplete and because of this EPA is taking no action at this time.

(19) On December 21, 1979 the Department of Ecology submitted the I/M legal authority and a detailed schedule to implement the I/M program. The State committed to submitting a revised transportation control plan for Spokane by May 1, 1980. However, because of unsettled negotiations concerning approval of the Spokane plan, EPA is taking no action at this time. Even though a plan has not been approved, reasonable progress is being made in that direction and, therefore, section 176 sanctions will not be imposed at this time.

(20) On December 21 and 28, 1979 the Department of Ecology submitted final comments on EPA's November 9, 1979 **Federal Register** proposal.

(21) On June 5, 1980 EPA removed WAC 18-24—"Indirect Source Review" from the SIP.

§ 52.2471 Classification of regions. [Amended]

2. Section 52.2471 is amended by changing the heading "photochemical oxidants" (hydrocarbon) to "ozone."

3. In § 52.2472, paragraphs (c) and (d) are added as follows:

§ 52.2472 Extensions.

* * * * *

(b) * * *

(c) The Administrator hereby extends to December 31, 1984 the attainment date for carbon monoxide in the Seattle-Tacoma non-attainment area (40 CFR 81.348).

(d) The Administrator hereby extends beyond December 31, 1982, but not to exceed December 31, 1987, the attainment date for ozone in the Seattle-Tacoma and Vancouver, Washington non-attainment areas (40 CFR 81.348).

4. Section 52.2473 is revised to read as follows:

§ 52.2473 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Washington's plan for the attainment and maintenance of National Standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan as identified in § 52.247 satisfies requirements of Part D, Title 1, of the Clean Air act as amended in 1977, except as noted in the following sections. Continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January. New source review permits pursuant to Section 173 of CAA will not be deemed valid by EPA unless the provisions of Section V of the emission offset interpretive rule published on January 16, 1979 (44 FR 3274) are met.

5. Section 52.2475 paragraph (b) is added as follows:

§ 52.2475 Legal authority.

* * * * *

(a) * * *

(b) As a result of a State appeals court ruling (January 29, 1980), EPA determined that language in the Washington Legal Authority specifically RCW 70.94.040, renders the Washington State and local air pollution control regulations unenforceable. The Washington State Legislature amended the defective language in the State law on March 13, 1980. The bill has been signed by the Governor and was submitted as a SIP revision on May 1, 1980. In addition, the State must take whatever action(s) necessary to ensure that both the existing SIP and the proposed SIP regulatory programs are valid and enforceable under the State Clean Air Act as amended. EPA is approving the State's legal authority as amended March 13, 1980.

6. Section 52.2478 is revised as follows:

§ 52.2478 Attainment dates for national standards.

The following table presents the latest dates by which the National Standards are to be attained. These dates reflect the information presented in Washington's plan.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_x		NO_x	CO	O_3
	1st*	2d**	1st*	2d**			
Eastern WA, North. Idaho Interstate (WA portion) AQCR:							
1. Spokane area	f	h	b	b	b	f	b
2. Clarkston-Lewiston Interstate area (WA portion).	f	h	b	b	b	b	b
3. Remainder of AQCR Northern Washington Intrastate AQCR.	a	e	b	b	b	b	b
Olympic-Northwest WA Intrastate:							
1. Port Angeles area	e	h	a	e	b	b	b
2. Remainder of AQCR	e	e	a	e	b	b	b
Portland Interstate AQCR (WA portion):							
1. Vancouver, WA area	f	h	c	e	b	b	i
2. Longview, WA area	e	h	e	e	b	b	b
3. Remainder of AQCR	e	e	e	e	b	b	b
Puget Sound Intrastate AQCR:							
1. Seattle-Tacoma area:							
a. Seattle (N. Duwamish) area	f	h	d	d	b	g	i
b. Seattle (S. Duwamish) area	c	h	d	d	b	g	i
c. Kent area	c	h	d	d	b	g	i
d. Auburn area	c	h	d	d	b	g	i
e. Tacoma area	f	h	d	d	b	g	i
f. Remainder Seattle-Tacoma area	c	h	d	d	b	g	i
2. Remainder of AQCR	c	e	d	d	b	k	j
South Central Washington Intrastate AQCR:							
1. Yakima area	e	e	b	b	b	f	b
2. Remainder of AQCR	e	e	b	b	b	b	b

* 1st = Primary.
** 2d = Secondary.
a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. December 1973.
d. January 1975.
e. July 1975.
f. December 31, 1982.
g. December 31, 1984.
h. 18 month extension granted for plan submission and identification of attainment date.
i. Attainment date extended beyond December 31, 1982, not to exceed December 31, 1987.
j. May 31, 1975.
k. May 31, 1976.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52.2478.

7. Section 52.2479 is added as follows:

§ 52.2479 Rules and Regulations.

(a) Part D—Conditional Approval. (1) WAC 173-400 is approved as satisfying Part D requirements provided that the State submits information by July 31, 1980 to satisfy the following conditions:

(i) The elimination of the provision to exempt sources with approval variances from New Source Review.

(ii) The correction of the definition of "source" to comply with Section 302(j) of the Act.

(iii) The addition of provisions to satisfy Section 173(3) of the Act—multiple sources under single ownership and procedures to implement and enforce the requirements of Section 173(1)-offsets.

(iv) Clarification of the application of the oxygen correction factor to non-combustion gas streams will be made. Also the application of different

emission standards to gas streams confined in a single stack will be made.

(v) The correction of provisions for portable sources which assure that Part D requirements will be met.

(vi) The identification of source test methods as a part of the SIP.

(2) WAC 173–490 Volatile Organic Compounds is approved as satisfying Part D requirements provided that the State submits information by July 31, 1980 to satisfy the following conditions:

(i) An inventory of cold cleaning degreasers will be completed and a regulation adopted by October 1, 1980, providing for control within 5 percent of the presumptive norm level or a justification that a different level represents RACT.

(ii) The level of control for petroleum refineries will be shown to be within five percent (5%) of the presumptive norm level or the regulation will be revised, or the State will demonstrate that this level represents RACT.

(iii) The bulk gasoline storage provision will be revised to include unloading of transport tanks.

(iv) The level of control for gasoline dispensing facilities will be shown to be within five percent (5%) of the presumptive norm level or the regulation will be revised to reflect the EPA recommended levels, or the State will demonstrate that its level represents RACT.

(v) The level of control for surface coating operations will include emissions from flashoff areas and will be shown to be within five percent (5%) of the presumptive norm level or the regulation will be revised or the State will demonstrate that this level represents RACT.

(vi) The requirements for open top vapor degreasers will be made consistent with CTG recommendations for those facilities which have less than one square meter of vapor-air interface and those with a free board ratio greater than 0.75. Provisions covering waste solvent disposal will also be added.

(vii) The requirements for conveyorized degreasers with greater than a two square meter air-vapor interface will be made consistent with the CTG recommendations. Also provisions for waste solvent disposal will be added.

(viii) Information relating the time period during which the average high temperature exceeds 50°F will be provided along with methodology for determining compliance with the 50°F temperature exemption.

(ix) The section requiring schedules for control for VOC sources will be revised to require negotiation of schedules for existing sources on a case-by-case basis, instead of by category. These schedules will then be submitted as SIP revisions within 6 months of final EPA acceptance of the regulations.

(3) WAC 173–425—NO BURN AREAS is approved as satisfying Part D requirements provided that the State submits by July 1, 1980 the boundary descriptions to satisfy the conditions.

8. Section 52.2484 is revised as follows:

§ 52.2484 Control Strategy: Ozone.

(a) Part D—Conditional Approval. (1) The Seattle-Tacoma plan is approved provided the State submits information by July 31, 1980 to satisfy the following conditions:

(i) The Plan provides for implementation of reasonably available control technology on existing sources of volatile organic compounds (see § 52.2479(a)(ii)).

(ii) Regulation WAC 173–400 (NSR) be revised so it is consistent with Section 173 of the Act.

(iii) The O_3 analysis is redone using more sophisticated modelling and the results applied to the O_3 strategy.

(iv) A Section 172(b)(11)(A) program is provided for.

(2) The Vancouver Plan is approved provided the State submits information by July 31, 1980 to satisfy the following conditions:

(i) The plan provides for implementation of reasonably available control technology on existing sources of volatile organic compounds (see § 52.2479(a)(ii)).

(ii) Regulation WAC 173–400 (NSR) be revised so it is consistent with Section 173 of the Act.

(iii) That a 1977 VOC emission inventory is completed with projections for 1982 and 1987;

(iv) That a clear definition of TCP development roles in terms of both stationary and mobile source responsibilities is included;

(v) That a schedule for the comprehensive analysis of alternatives is included;

(vi) That the resources necessary to carry out the plan are described;

(vii) That evidence of adequate public and elected official participation in the plan development is evident;

(viii) That provisions for progress reporting are included;

(ix) A commitment to fund projects for the purpose of expanding and improving public transit is made;

(x) That a Section 172(b)(11)(A) program is provided for.

9. Section 52.2487 is revised as follows:

§ 52.2487 Control Strategy: Carbon Monoxide.

(a) *Part D—Carbon Monoxide—Conditional Approval.* (1) The Seattle-Tacoma plan is approved provided the State submits information to satisfy the following condition by July 1, 1980:

(i) A Section 172(b)(11)(A) program is provided for.

10. Section 52.2488 is revised as follows:

§ 52.2488 Control Strategy: Total Suspended Particulates.

(a) *Part D—Conditional Approval.* (1) The Seattle (North Duwamish), Tacoma and Spokane plans are approved provided the State submits information by July 31, 1980 to satisfy the following conditions:

(i) Revision of the area specific strategies to be internally consistent with the general statewide strategy.

(ii) Commitment by July 31, 1980 to submit a plan for determining the nature and extent of the TSP problem, developing a control strategy obtaining legal commitments for its implementation and completing the implementation by December 31, 1982.

(2) The Vancouver plan is approved provided that the State submits information by July 31, 1980 to satisfy the following conditions:

(i) Revising the emission inventory and reasonable further progress analysis to demonstrate source emission reductions and general area wide growth.

(ii) Submitting an air quality analysis demonstrating attainment in conjunction with the updated emission inventory.

(3) The Clarkston plan is approved provided that the State submits information by July 31, 1980 to satisfy the following condition:

(1) Re-evaluation of the control strategy, and modification, if necessary, based on the results of the joint Idaho Department of Health and Welfare/City of Lewiston total suspended particulate study currently in progress.

[FR Doc. 80-17086 Filed 6-4-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5728

[N-25249]

Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 80 acres of national forest lands from the mining laws to protect the Gatecliff and Triple "T" archeological sites in Nye County, Nevada.

EFFECTIVE DATE: June 5, 1980.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office 702–784–5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from entry or location under the mining laws (30 U.S.C., Ch. 2) and reserved as the Gatecliff and Triple "T" archeological sites:

Toiyabe National Forest

Mount Diablo Meridian

Gatecliff Site

T. 14 N., R. 46 E.,
Beginning at a point on Nevada Protraction Diagram No. 223, labeled "NPD, NYB 096 L" (identical with south section corner common to sections 31 and 32, T. 14 N., R. 47 E., MDM); thence North 89°55' West 78.17 chains along the north line of T. 13 N., R. 47 E. to the northwest corner of said township; thence West 203.00 chains along the north township line of T. 13 N., R. 46 E. to the true place of beginning; thence South 10 chains; thence West 20 chains; thence North 20 chains; thence East 20 chains; thence South 10 chains to the true place of beginning, and consisting of 40 acres situated partly in the north portion of section 3, T. 13 N., R. 46 E., and partly in the south portion of section 34, T., 14 N., R. 46 E.

Triple "T"

T. 13 N., R. 45 E.,
Sec. 4, W½NE¼NW¼, E½NW¼NW¼.

The areas described aggregate approximately 80.00 acres in Nye County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

May 29, 1980.

[FR Doc. 80–17043 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79–178, RM–3160; RM–3357]

FM Broadcast Stations in Granbury and Burkburnett, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order (Final rule).

SUMMARY: Action taken herein assigns Channel 284 to Burkburnett, Texas, and Channel 294 to Granbury, Texas, providing in each case a first local FM broadcast service for the community.

EFFECTIVE DATE: July 11, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C 20554.

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: May 23, 1980.

Released: May 29, 1980.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Granbury and Burkburnett, Texas), BC Docket No. 79–178, RM–3160, RM–3357.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, adopted July 18, 1979, 44 FR 44192, proposing assignment of FM Channel 294 to Granbury, Texas, in response to a request by First Heritage Broadcasting Company ("First Heritage"). We have, in addition, a counter-proposal filed by Ted Hill ("Hill") for the assignment of either Channel 292A or Channel 293 to Burkburnett, Texas, as its first FM assignment. While the 292A and 294 requests do not conflict, the Channel 293 proposal for Burkburnett is mutually exclusive with the Channel 294 proposal for Granbury.[1] First Heritage, Granbury Radio Company ("GRC") and Debbie Smith ("Smith")[2] filed comments concerning the proposed Granbury assignment; William Clement ("Clement"),[3] First Heritage and Hill filed reply comments.

2. Granbury (pop. 2,473),[4] seat of Hood County (pop. 6,368), is located about 59 kilometers (35 miles) southwest of Fort Worth, Texas. The city holds, according to First Heritage, a leadership role in its area based primarily upon its proximity to the Commanche Park nuclear power facility, the location within and surrounding its boundaries of the popular Lake Granbury resort area, the designation of its town square as an historical site by the State of Texas and current plans to locate an industrial park within the city. An AM station presently under construction by GRC will provide the community with its first local aural service.

3. Burkburnett (pop. 9,230) is located in Wichita County (pop. 120,563), approximately 216 kilometers (135 miles) northwest of Dallas, Texas. Second in size only to the county seat of Wichita Falls, Burkburnett stands as an important commercial and business center in the area, according to Hill. At present, the community has no local aural service.

4. Comments filed in this proceeding fall into two general categories: (1) oppositions to the Granbury proposal and (2) arguments as to which of the two cities—Granbury or Burkburnett—is more deserving of a Class C assignment. To begin with the first area of concern, both GRC and Smith question the suitability of a Class C assignment for a community of Granbury's size, particularly in light of its proximity to Dallas and Fort Worth. As First Heritage points out, however, no Class A channel is available for use in Granbury, making a Class C channel the only choice for the community. And, even if a Class A channel were available, First Heritage's engineering showing, revised to reflect GRC's concerns [5], offers ample justification for a Class C assignment, notwithstanding the size of the actual community of license. In this regard, petitioner proposes a first FM service to 10,230 persons in a 1,697 square kilometer (663 square miles) area and a second FM service to 32,437 persons in a 2,734 square kilometer (1,068 square miles) area. Such coverage of heretofore

[1] The two communities are 195 kilometers (122 miles) apart instead of the 240 kilometers (150 miles) separation required by our rules for first adjacent Class C assignments.

[2] Contrary to First Heritage's contentions, Smith need not establish formal standing in order to file comments here.

[3] While more in the nature of original than reply comments, Clement's pleading is a timely response to our joining of the Hill counterproposal into this proceeding. Hence, we see no grounds for striking it as First Heritage requests.

[4] All population data are taken from the 1970 U.S. Census.

[5] First Heritage's original *Roanoke Rapids* study assumed maximum rather than reasonable facilities.

unserved and underserved areas is by any standard significant.[6]

5. Turning to a Class C assignment for Burkburnett, Hill, like First Heritage, makes a strong case for his request. Not only is Burkburnett a community of significant size in the area, but petitioner plans a first FM service for 438 persons in a 153 square kilometer (60 square miles) area and a second FM service for 9,512 persons in a 706 square kilometer (276 square miles) area.

6. Given the merits of both Class C proposals, we have sought out and found a second Class C channel—Channel 284 [7]—which is available and can be assigned to Burkburnett without conflict to the Granbury proposal.[8] Hence, each community can have the Class C station it has shown to be warranted and a choice between the two need not be made.

7. As for the matter of preclusion, we see no difficulty with either proposed assignment. Other channels are available in all communities precluded by the proposed Burkburnett Channel 284 assignment; the same is true of the requested Granbury Channel 294 allocation.[9]

8. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective July 11, 1980, the FM Table of Assignments, § 73.202(b) of the rules, is amended with respect to the following communities:

City	Channel No.
Burkburnett, Texas	284
Granbury, Texas	294

9. It is further ordered, that the petition to strike reply comments filed by First Heritage Broadcasting Company, is denied.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Myra G. Kovey, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

[6] Contrary to GRC's contentions, sites appropriate for a Channel 294 transmitter do exist. Any such site would have to be at least 10 kilometers (6 miles) southwest of the community.

[7] The Channel 284 assignment will require a site at least 27 kilometers (17 miles) west of the city.

[8] A pending request to assign Channel 285A to Lawton, Oklahoma, Dkt. 80–192, (RM–3472) has been modified to specify Channel 237A to avoid a conflict with this assignment.

[9] This includes Eastland and Comanche, Texas, two communities which GRC claims were missing in First Heritage's preclusion showing.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-17099 Filed 6-4-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 74

[BC Docket No. 78–252; RM–2739; RM–2740; FCC 80–166]

Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services; Origination of Solicitations for Contributions by VHF Translators and of Emergency Messages by TV and FM Translators

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein adopts rules permitting TV and FM translators to originate emergency warnings of imminent danger and VHF translators to originate material soliciting and acknowledging contributions to defray the costs of operating the translators. Such originations are limited to no more than 30 seconds per hour. UHF and FM translators are already permitted to originate similar solicitations and acknowledgements. The National Translator Association had petitioned the Commission to adopt such rules.

EFFECTIVE DATE: July 7, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and order (Proceeding Terminated) (43 FR 36891)

Adopted: March 27, 1980.

Released: May 28, 1980.

By the Commission: Chairman Ferris issuing a separate statement; Commissioner Lee absent.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, adopted August 8, 1978, inviting comments on two petitions for rule making filed by the National Translator Association ("NTA").[1] These petitions requested the Commission to amend its rules to permit VHF translator stations to originate transmissions soliciting and acknowledging contributions to defray their costs (RM–2739) and to permit both TV and FM translators to originate emergency warnings of imminent danger. In the *Notice of Proposed Rule Making*, the Commission proposed the amendment of Sections 74.731(f) and 74.1231(f) to permit such operation and, additionally, to permit the origination of other visual, as well as aural, materials by television translators.[2] Both supporting and opposing comments and reply comments were filed during the public comment period which followed adoption of the *Notice of Proposed Rule Making*.[3]

2. Because the comments supporting the proposed rules primarily follow the reasoning which the Commission set forth in its *Notice*, they will not be discussed in detail herein except where indicated. The opponents, however, raise several points that warrant discussion. Perhaps the most important point raised in opposition concerns the proposal to permit the origination of solicitations of contributions and the acknowledgment of such contributions. It is argued that Congress, in amending Section 318 of the Communications Act (47 U.S.C. § 318) did not intend to permit such use of translators. Section 318 requires a licensed operator for broadcast stations, but it excludes from this translators which are operated on an unattended basis. Prior to 1976, the translator exception in Section 318 of the Act was phrased in terms of stations engaged "solely" in the function of rebroadcasting the signal of other broadcast television stations. In 1976, the Section was changed to refer to stations engaged "primarily" in the rebroadcast of the signals of other TV stations, and to permit unattended operation of FM, as well as TV translators. (Pub. L. 94–335, approved July 1, 1976, 90 Stat. 794.) As we observed in the *Notice*, the change was made to permit the Commission to explore the possibility of authorizing

[1] Those petitions were accepted for filing and given the rule making numbers RM–2739 and RM–2740. Public Notice of the two petitions was given on August 17, 1976, Report No. 997.

[2] Under current Commission rules, both FM and UHF translators may originate transmissions soliciting and acknowledging contributions. Additionally, UHF translators have been permitted to originate emergency warnings. See, footnote 7, *infra*.

[3] Those filing comments were: the National Telecommunications and Information Administration ("NTIA"); the National Translator Association ("NTA"); a group of television licensees ("TV licensees"); the Association of Maximum Service Telecasters, Inc. ("MST"); the National Association of Broadcasters ("NAB"); American Broadcasting Companies, Inc. ("ABC"); the Teleprompter Corporation ("Teleprompter"); and the Washington State Association of Broadcasters ("WSAB"). Reply comments were filed by KHQ, Inc. ("KHQ"), WSAB, and NTA. The proposed rules were supported by NTIA, NTA, the TV licensees, MST, ABC, and to a more limited extent by WSAB, NAB and KHQ. They were opposed by Teleprompter and, to a limited extent, WSAB.

translators to originate limited amounts of local program and commercial material. In objecting to the proposed rules, those parties pointed out that the House Report issued in connection with the amendment of Section 318 stated that, "[t]he Committee is relying upon statements of the Commission that it will not allow the substitution of commercial advertising." H. Rep. No. 94–1261, 94th Cong., 2nd Sess., 3 (1976). Accordingly, it is argued, Congress did not intend to provide the Commission with permission to enact the subject rule because this would enable translators to acknowledge contributions, by, in effect, broadcasting the advertising messages of contributors.

3. Several commentators urge the Commission either to delete such permission or to state clearly that such messages may not be for profit. In support of its comments in this regard, WSAB chronicles what is alleged to be an abuse of the permission for solicitation and acknowledgment of contributions currently extended to UHF television translators. WSAB contends that commercial time is being sold on translators in Wenatchee, Washington, and elsewhere and that translator originated commercials are being substituted for those on the originating station. This, it argues, has an adverse effect upon broadcast radio services which cannot compete with the advertising rates offered by translator operators who do not have the program production and origination costs of other broadcasters. Television service also is said to suffer because the originating station has no control over the commercial substitutions by translators and as a result may be placed in an awkward situation with viewers attributing commercials aired by the translator to the originator even though they may be contrary to the advertising practices and voluntary restraints of the originating television station.

4. Further, the opponents assert that the proposed rules would encourage VHF translator development at the expense of UHF translators and also would accord preferential treatment to translators as a whole as compared with cable operators.[4] The proposal to permit emergency broadcast originations is objected to on the ground that there is no clear standard as to what would constitute an emergency, leaving the way open for abuse by the transmission of a significant number of non-emergency broadcasts. Emergency originations also are said to be likely to cause interference. Teleprompter requests that this Docket be incorporated into the Low-Power Television Inquiry, BC Docket 78–253[5], so that the translator industry can be studied with respect to its financial condition, the technical problems that allegedly would attend the "widespread" origination of programing by translators, and the appropriate role of translators.

5. *Solicitations and Acknowledgements of Contributions.* Many of the arguments raised by commentators opposing all or part of the proposal to permit limited VHF translator originations for the purpose of soliciting and acknowledging financial contributions are similar to those made earlier by the National Cable Television Association, Inc. ("NCTA"), and rejected by the Commission, when we adopted the *Notice of Proposed Rule Making* in this matter. These objections, when raised by other parties in the context of opposing that *Notice*, are no more persuasive at this time than they were when we proposed the subject rule amendments.

6. The limited authority to solicit and acknowledge contributions was designed to help defray the costs of translator operation. Financial problems, for example, do not appear to be limited to translators in the UHF band, even though they may vary in degree. It also is true, however, that financial viability may differ in degree as between various UHF translators or within the VHF translator "community." The Commission must be able to enact rules of general applicability if the administrative processes are to avoid grinding to a halt. Thus, granting VHF translators the ability to solicit contributions toward the defrayal of the costs of installing, operating and maintaining the translator, and to acknowledge such contributions, to the extent permitted, is warranted. Whether some, none, or all VHF translators avail themselves of this privilege remains to be seen. Our experience has been that most translators are "shoe string" operations that deserve to have this avenue open to them.

7. With respect to the argument that the Commission lacks financial reports on the economic health of translators and that we have not assessed the possibility of translator interference to, and competition with, other media, it should be noted that these matters are under consideration in the *Low Power Television Inquiry, supra.* The rule that we are adopting today is neither such a major rule revision nor does it rest upon such infirm support that it is necessary to await the outcome of the *Low Power Television Inquiry* before moving ahead in this proceeding. Furthermore, the fact that some translator operators currently may be operating in violation of our rules by using prohibited commercial substitution does not constitute a ground for our holding this proceeding in abeyance or for declining to adopt the subject rule. The substitution problem also is currently under examination in the *Low Power Television Inquiry.* Our rules concerning both interference and, inferentially, substitutions, are not changed by the rule that we are adopting hereby. That rule merely permits the origination of material soliciting or acknowledging financial contributions to defray the costs associated with the operation of a VHF translator. It does not permit harmful interference or the substitution of commercial material and it does not permit the sale of commercial time "for profit." Any current or potential violations of our rules regarding these practices can be addressed through specific complaints. While we do not condone these abuses, we do not see their relevancy to permitting the law-abiding VHF operator a reasonable opportunity to defray expenses, in the same manner as the UHF and FM operators have been permitted to do.[6]

8. The portion of the proposed rules that perhaps has caused the most controversy is the sentence which states that, "Such acknowledgments may include identification of the contributors, the size or nature of the contributions and *advertising messages of contributors.*" (Emphasis supplied.) This language is consistent with the rule currently applicable to UHF and FM translators. Such acknowledgments, even where they consist of a contributor's advertisement, are of limited duration, and are permitted only in connection with contributions defraying operational costs (and hence may not be "for profit"). Such advertisements may be used solely as a method of acknowledging contributions made "toward the *defrayal of the costs*

[4] In this regard, Teleprompter argues that translators do not have the responsibilities of regular broadcast or cable operators, especially with respect to technical standards governing originations, and are relieved from various filing requirements applicable to broadcast and CATV operators. Moreover, the proposed rules are said to fail to protect cable subscribers from interference from translators and also are asserted to treat cable operators unfairly because they have been denied permission to carry certain emergency broadcasts, citing *CATV Carriage of Television Signals*, 62 F.C.C. 2d 190 (1976).

[5] *Notice of Inquiry*, 68 F.C.C. 2d 1525 (1978).

[6] Translator licensees are reminded that Section 317 of the Communications Act requires the announcement of commercial sponsorship, and that Section 315 of the Act applies in full to political advertising, *see* "Public Notice," FCC 76–936, October 8, 1976, 62 F.C.C. 2d 896.

of installing, operating and maintaining the translator. . . ." (Emphasis supplied.) It is clear from a reading of the legislative history of the amended Section 318 that Congress was concerned about commercial substitutions. On this point, the House Report accompanying the 1976 amendment is quite explicit:

> The Committee is relying upon statements of the Commission that it will not allow the substitution of commercial advertising. H.R. Rept. No. 94-1261, 94th Cong., 2d Sess. 3 (1976).

In this context, "substitution of commercial advertising" refers to the insertion of the translator's messages at the same time that the originating station's commercial advertising is being carried. This Commission understands that, as a general principle, commercial substitution is a practice that Congress intended to strongly discourage, if not outright proscribe. We are therefore putting translator operators on notice that commercial substitution, as a practice, will not be allowed. As with all of our rules and policies, we expect reasonable, good faith efforts, to comply with this stricture. We also recognize that, because of the technical, operational, and economic characteristics of translator service, ensuring perfect compliance with this requirement could undercut the primary purpose of the legislative amendment: to permit limited origination so that translators may "give their audiences access to local news and information of vital community interest . . . [and] meet the difficult problems of financial support for their operation and service." S. Rept. No. 94-919, 94th Cong., 2d Sess. 4 (1976); H. Rept. No. 94-1261, 94th Cong., 2d Sess. 3 (1976). Should issues as to translator compliance arise, the Commission will consider the particular facts and circumstances presented to determine whether reasonable measures have been taken to avoid the occurrence of commercial substitution. In particular, efforts by the translator to coordinate its insertions with the originating station's commercial schedule will be relevant to any question of reasonable, good faith compliance.

9. *Emergency Broadcasts.* Permitting TV and FM translator stations to originate broadcasts relating to emergency warnings of imminent danger is manifestly in the public interest.[7] No convincing argument to the contrary has been made. The phrase, "emergency warnings of imminent danger," is a standard sufficiently precise to adopt without further definition or embellishment. The adoption of a more precise standard would leave open the distinct possibility that some event, which legitimately could be classed as an emergency creating an imminent danger, inadvertently would be left out. Rather than run this risk, the Commission considers it preferable to authorize translator operators to have the flexibility to respond to such emergencies as they occur. We place our reliance upon the good faith discretion of our licensees guided by the clear language of the rule we are adopting today. Should abuses arise, we will not hesitate to deal with them. But when weighed in the balance, the mere possibility of such an abuse does not outweigh the obvious benefits to the public to be derived from permitting all television and FM translators to originate emergency messages.

10. Teleprompter's reliance upon *CATV Carriage of Television Signals, supra,* to support its position that the Commission is preferring translator operators over CATV operators by permitting the former to do what was prohibited in that case to the latter, is entirely misplaced. In *CATV Carriage of Television Signals, supra,* the Commission was faced with a petition for rule making which, if the proposed rule was adopted, would permit the cable carriage of any television or radio broadcast station on any or all of the channels of the cable system during periods of emergency. Such a rule would not involve the CATV system's origination of emergency warnings of an imminent danger. Rather it would permit the wholesale importation of the signals of stations which could be far removed from the CATV system's subscribers. Moreover, this importation would not even be limited to the emergency warning. Instead it would have had the effect of suspending the Commission's rules on the importation of distant signals, including emergency warnings, entertainment and nonentertainment programming, for the entire period of the emergency. Such a rule easily could have led to a situation in which a cable system, for instance, in Wyoming, could import all of the programming of any or all radio and television stations, for instance, in Atlanta, Georgia, day after day during a period of emergency created by a tornado, a hurricane, an air pollution alert or a civil disturbance of any sort. In short, the rejection of a proposed open-ended waiver of the signal carriage rules for cable has no applicability as precedent to the instant proposal to permit emergency warning originations by all TV and FM translators. The public interest demands that we adopt the proposed rules to enable all such translators to carry emergency warnings of imminent danger.

11. Finally, we have decided to make two minor modifications to the text of the rules that we had proposed in the initial *Notice of Proposed Rule Making.* First, we are here conforming the FM translator rules to the TV translator rules by deleting from the definition of an FM translator (Sec. 74.1201):

> * * * by means of direct frequency conversion and amplification of the incoming signals * * *.

This phrase would have precluded FM translator originations of any sort. Secondly we are deleting the requirement, for both FM and TV translators, that the type of originating equipment be reported in writing, in advance, to the Commission. The rules we adopt here are plain as to the types of equipment authorized to be used, and we can expect our licensees to comply with these limitations without any need to multiply reporting burdens upon them or processing demands upon the Commission's staff. This situation is to be contrasted with the policy regarding terrestrial relays for translators. In the latter case, we require both reporting of equipment and equipment type-acceptance. However, the assurance of quality relays relates to all or nearly all of the translator's output, because all of its rebroadcast material would be obtained by that relay. The need for oversight of equipment there has no applicability to the originations authorized today, which by rule can comprise only a *de minimis* part of the translator's broadcast service.

12. Authority for the adoption of the rules herein is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 1.425 of the Commission's Rules.

13. Accordingly, *it is ordered,* That Part 74 of the Commission's Rules is amended as set forth below effective July 7, 1980.

14. *It is further ordered,* That the proceeding in BC Docket No. 78-252 *is terminated.*

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[7] UHF translators have been permitted to originate emergency warnings although such authority is not conferred by the present terms of Section 74.731(f) of the Commission's Rules. See, *Medallion Broadcasters, Inc.,* Public Notice 35783, July 1, 1975.

Federal Communications Commission.[§]

William J. Tricarico,

Secretary.

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 74.731(f) is amended to read as follows:

§ 74.731 Purpose and permissible service.

* * * * *

(f) A locally generated radio frequency signal similar to that of a TV broadcast station and modulated with visual and aural information may be connected to the input terminals of a television broadcast translator for the purpose of transmitting still photographs, slides and voice announcements. The radio frequency signals shall be on the same channel as the normally used off-the-air signal being rebroadcast. When transmitting originations concerning financial support, connection of the locally generated signals shall be made automatically either by means of a time-switch or upon receipt of a control signal from the TV station being rebroadcast designed to actuate the switching circuit. The switching device shall be so designed that the translator input circuit will be returned to the off-the-air signal within 30 seconds. The connection for emergency transmissions may be made manually. The apparatus used to generate the local signal which is used to modulate the translator must be capable of producing a visual or aural signal or both which will provide acceptable reception on television receivers designed for the transmission standards employed by TV broadcast stations. The visual and aural materials so transmitted shall be limited to emergency warnings of imminent danger and to seeking or acknowledging financial support deemed necessary to the continued operation of the translator. Accordingly, the originations concerning financial support are limited to 30 seconds no more than once an hour and to the solicitation of contributions toward defrayal of the costs of installing, operating and maintaining the translator or acknowledgments of financial support for those purposes. Such acknowledgments may include identification of the contributors, the size or nature of the contributions and advertising messages of contributors. Emergency transmissions shall be no longer or more frequent than necessary to protect life and property.

[§]See attached Separate Statement of Chairman Ferris.

2. Section 74.1201(a) is amended to read as follows:

§ 74.1201 Definitions.

(a) *FM translator.* A station in the broadcasting service operated for the purpose of retransmitting the signals of an FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, in order to provide FM broadcast service to the general public.

* * * * *

3. Section 74.1231 (f) and (g) are amended to read as follows:

§ 74.1231 Purpose and permissible service.

* * * * *

(f) A locally generated radio frequency signal similar to that of an FM broadcast station and modulated with aural information may be connected to the input terminals of an FM translator for the purpose of transmitting voice announcements. The radio frequency signals shall be on the same channel as the normally used off-the-air signal being rebroadcast. Connection of the locally generated signals shall be made automatically by means of a time-switch when transmitting originations concerning financial support. The connection for emergency transmissions may be made manually. The apparatus used to generate the local signal that is used to modulate the FM translator must be capable of producing an aural signal which will provide acceptable reception on FM receivers designed for the transmission standards employed by FM broadcast stations.

(g) The aural material transmitted as permitted in paragraph (f) of this Section shall be limited to emergency warnings of imminent danger and to seeking or acknowledging financial support deemed necessary to the continued operation of the translator. Accordingly, the originations concerning financial support are limited to 30 seconds no more than once an hour and to the solicitation of contributions toward defrayal of the costs of installation, operation, and maintenance of the translator or acknowledgments of financial support for those purposes. Such acknowledgments may include identification of the contributors, the size or nature of the contributions and advertising messages of contributors. Emergency transmissions shall be no longer or more frequent than necessary to protect life and property.

* * * * *

Separate Statement of Charles D. Ferris, Chairman

Re: Television and FM Translators Fund Raising Solicitations and Emergency Warnings.

Today's rule modifications eliminate unnecessary differences among FM, VHF and UHF translator services. In doing so, the Commission takes another positive step to overcome the problems of isolation of rural Americans identified in the President's February, 1979 rural telecommunications proposal.

In order to promote continued viability of rural translators, we must assure operators reasonable means of attracting financial support. As a result of today's order, all classes of broadcast translator stations will be allowed to offer limited advertising time to contributors to their operation. Their rural viewers and listeners will also be able to receive emergency warnings of tornados, hurricanes and other natural disasters.

In the coming months we will consider further steps to lift restrictions on these stations so that they may more fully serve rural consumers, who often depend on translator broadcasts as their link with the rest of society.

[FR Doc. 80-17103 Filed 6-4-80; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 800

Organization and Functions of the Board of Delegations and Authority

Correction

In the issue of Thursday, May 29, 1980, in FR Doc. 80-16345, appearing on page 36080, please make the following correction:

Under "§ 800.6 Formal and Informal Submissions" line 2, ". . . made in air safety on. . ." should be changed to read ". . . made in air safety or. . ."

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1389; Amdt. No. 2]

Transkentucky Transportation Railroad Co., Inc. Authorized To Operate Over Tracks Abandoned by Louisville and Nashville Railroad Co.

May 29, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 2 to Service Order No. 1389.

SUMMARY: This order amends Service Order No. 1389, by extending the expiration date until 11:59 p.m., June 30, 1980, and is conditioned upon an appropriate filing for certification by the carrier by that date. Service Order No. 1389 permits the TTI to operate temporarily over tracks acquired from the L&N through acquisition.

EFFECTIVE DATE: 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Upon further consideration of Service Order No. 1389, and good cause appearing therefor:

§ 1033.1389 [Amended]

It is ordered: § 1033.1389 *Transkentucky Transportation Railroad Company, Inc. Authorized To Operate Over Tracks Abandoned by the Louisville and Nashville Railroad Company,* Service Order No. 1389 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

* * * * *

(g) *Expiration date.* The provisions of this order are extended until 11:59 p.m., June 30, 1980, pursuant to an appropriate filing for certification by that date, and shall expire unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1980.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-17064 Filed 6-4-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Third Rev. S.O. No. 1449]

Norfolk and Western Railway Co., Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Third Revised Service Order No. 1449.

SUMMARY: This order revises Second Revised Service Order No. 1449, by changing paragraph (a) to include an additional 1,000 feet of track connecting with the Chicago Regional Port District and Pullman Junction, in order to serve industries located east of Pullman Junction.

EFFECTIVE DATE: 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Decided May 29, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers of essential railroad service. The Norfolk and Western Railway Company (NW) connects with the RI and has consented to operate over its tracks in order to serve the industries located adjacent to those tracks, and to connect with the Chicago Regional Port District.

It is the opinion of the Commission that an emergency exists requiring the operation by NW over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1449 Third Revised Service Order No. 1449.

*(a) Norfolk and Western Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, trustee). Norfolk and Western Railway Company (NW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District.

Temporary service authorized in this Order requires the continuation of any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers. These trackage rights extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, and will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) A similar application has been received from Illinois Central Gulf Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the NW to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the NW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via NW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City

Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, NW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if NW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

*(h) *Effective date.* This order shall become effective at 11:59 p.m., May 31, 1980.

*(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-17068 Filed 6-4-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Second Rev. S.O. No. 1440]

El Dorado and Wesson Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1440.

SUMMARY: This order authorizes the El Dorado and Wesson Railroad Company (EDW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at El Dorado, Arkansas, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 11:59 p.m., May 31, 1980, and continuing in effect until 11:59 p.m., August 31, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Decided: May 29, 1980.

The lines of the Chicago, Rock Island and Pacific Railroad Company (RI) at El Dorado, Arkansas are embargoed depriving shippers located at Catesville, Arkansas, of essential railroad service. The El Dorado and Wesson Railroad Company (EDW) connects with the RI at El Dorado and has consented to operate over these tracks in order to serve industries located adjacent to RI tracks.

It is the opinion of the Commission that an emergency exists requiring the operation of EDW trains over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1440 Second Revised Service Order No. 1440.

(a) *El Dorado and Wesson Railroad Company Authorized To operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, trustee).* El Dorado and Wesson Company (EDW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

*From El Dorado to Velsicol Plant at Catesville, Arkansas, a station 8 miles south of El Dorado.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123 (b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the EDW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via EDW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, EDW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented By the Rail Labor Organizations operating through the*

*Changed.

Railway Labor Executives' Association" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if EDW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) Effective date. This order shall become effective at 11:59 p.m., May 31, 1980.

(i) Expiration date. The provisions of this order shall expire at 11:59 p.m., August 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-17065 Filed 6-4-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Second Rev. S.O. No. 1435]

Various Railroads Authorized To Use Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1435.

SUMMARY: Throughout the Chicago, Rock Island and Pacific Railroad Company (RI) rail network there are numerous locations where the RI and other railroads conduct joint operations by the use of RI owned tracks and/or facilities. The use of these tracks and/or facilities is essential to the continued operations of the other railroads.

Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed in Appendix A to this order.

EFFECTIVE DATE: 11:59 p.m., May 31, 1980.

EXPIRATION DATE: 11:59 p.m., August 31, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Decided: May 29, 1980.

Throughout the RI rail network there are numerous locations where the RI and other railroads conduct joint operations by the use of RI owned tracks and/or facilities. The use of these tracks and/or facilities is essential to the continued operations of the other railroads.

It appears that contract negotiations between the RI Trustee and the other affected railroads for the joint use of these RI tracks and/or facilities may not be consummated so as to provide for continued operations.

Without the use of these RI tracks and/or facilities, which heretofore had been jointly operated, the continued operations of other railroads will be interrupted or seriously impeded, with adverse effect on shippers and the interstate commerce over a large area of the United States.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct the operations, also identified in the attachment, using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1435 Second Revised Service Order No. 1435.

(a) *Various Railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed in Appendix A to this order.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to their continued operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(e) It is recognized that there may be other carrier(s) and/or location(s), in addition to those listed in the Appendix, where the use of RI tracks and/or facilities is necessary. If such be the case, the affected railroad(s) should apply to the Railroad Service Board and furnish information setting out the applicant carrier's corporate name, trackage and/or facility involved, location, and all pertinent data relating to the necessity of the use of such track or facility. The Railroad Service Board will consider such applications for addition to Appendix A.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if the carrier(s) chooses to exercise the authority granted by this decision, it/they shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(g) *Effective date.* This order shall become effective at 11:59 p.m., May 31, 1980.

(h) *Expiration date.* The provisions of

this order shall expire at 11:59 p.m., August 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Service Order No. 1435—Appendix A

Line No.	Line No. and location to be operated	Railroads using	Rock Island functions to be performed
1	Rock Island Jct., IL. switches	C&O/B&O, CWP&S, CR, and CSL	Track maintenance.
2	To ICG connection Cottage Ave., Chicago, IL	CWP&S	Track maintenance.
3	Irondale Branch, Chicago, IL	CWP&S and CR	Track maintenance.
4	Chicago, IL Regional Port District Lake Calumet Harbor West Side.	ICG, CR, and CSSB	Track maintenance.
5	Chicago (LaSalle St. Station) Joliet, IL	RTA	Dispatching performed as Des Moines, IA (Suburban train operations).
5a	Joliet, IL-16th and Clark Streets	ICG and RTA	Interlocking Towers.
6	Moline-East Moline, IL crossing signals	BN and DRI&NW	Highway crossing signal maintenance.
7	Rock Island, IL-28th St	BN	Switchtender handles crossing & BN switches.
8	West Davenport-Muscatine, IA	MILW	Track and signal maintenance dispatching performed at Des Moines, IA, which controls entry switch at West Davenport (Automatic Block Signal).
9	Burlington-Mediapolis, IA	BN	Track maintenance; dispatching performed at Des Moines. Highway crossing signals maintenance on BN trackage.
10	Eddyville-Beacon, IA	CNW	Track maintenance.
11	Cedar Rapids, IA-4th St. trackage	ICG	Track maintenance.
12	Cedar Rapids, IA-9th Ave. crossing	CNW	Control of CNW–RI crossing and highway crossing signal maintenance.
13	Waterloo, IA-McKinley St. crossing signals	CNW	Highway crossing signal maintenance.
14	Iowa Jct.-Hollis, IL (Peoria Terminal Co.)	TP&W	Track maintenance; dispatching performed by Peoria yardmaster.
15	Des Moines (Easton Blvd.) West Des Moines, IA	CNW	Track and signal maintenance; operate and maintain RI and CNW tracks; signals-switches controlled at Short Line Tower (Automatic Block Signal).
16	Almena Jct.-CB&Q Jct. KS (Oronoque)	BN	Track maintenance; dispatching performed at Des Moines, IA; hand thrown switches; (Automatic Block Signal).
17	Colorado Springs-Roswell Industrial District, CO	ATSF	Track maintenance.
18	Council Bluffs, IA–6th, 7th, 8th St. crossing signals	BN	Highway crossing signal maintenance.
18a	Council Bluffs, IA, vicinity BN of 124th Street	BN	Diamond crossing maintenance. Interlocking plant maintenance and operation.
19	Albert Lea-Glenville, MN	CNW–ICG	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC.
20	Glenville-MN-Manly, IA	CNW	Operator at Manly.
21	Inver Grove-South St. Paul, MN	CNW and SOO	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC.
22	Limon, CO	UP	Operator.
23	Polo-Airline Jct., MO	MILW	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC from Polo to Birmingham. (Birmingham to Airline Jct. CTC controlled by MILW at Truman Bridge under RI dispatcher's direction).
24	Atchison, KS-St. Joseph, MO	ATSF	Track and signal maintenance; dispatching performed at El Reno, OK.
25	Wathena-Troy, KS	UP	Track and signal maintenance; dispatching at El Reno, OK.
26	Herington, KS-MP crossing interlocking	MP	Interlocking controlled by RI operator (Cannot be lined for MP and left unattended—signalling on MP cleared directionally).
27	Dodge City, KS	ATSF	Between Dodge City and ATSF Jct. over Arkansas River bridge tract and bridge maintenance only (Line not in service at present).
28	Marion-Peabody, KS	ATSF	Track and signal maintenance; dispatching performed at El Reno, OK, which controls CTC.
29	McAlester-Shawnee, OK	MKT	Track and signal maintenance; dispatching performed at El Reno.
30	Shawnee-Oklahoma City, OK	ATSF–MKT	Track and signal maintenance; dispatching performed at El Reno.
31	Oklahoma City "North Lines" Industrial Tracks	ATSF	Track maintenance.
32	Malvern-Hot Spring, AR	MP	Dispatching performed at El Reno, OK.
33	Fort Worth-Irving, TX	FWD and SLSF	Track and signal maintenance; dispatching performed at El Reno, OK, which controls CTC.
34	Irving-Dallas, TX	FWD and SLSF	Track and signal maintenance; dispatching performed at El Reno, OK, which controls CTC.
35	Dallas, TX Right of Way District (formerly Dallas Union Terminal).	MP, MKT, FWD, ATSF, SP, SSW, and SLSF	Track and signal maintenance; maintain and control operation from towers. Supervision and maintenance to be provided by Missouri Pacific Railroad Company.
36	Dallas, TX-Cadix St. Yard	L&A	Track maintenance.
37	Saginaw, TX	FWD AND ATSF	Track and signal maintenance; interlocking controls, switches, and signals.
38	Memphis, TN, Section "A" trackage (1,460 feet) owned by L&N.	ICG, L&N, and SOU	Track maintenance.
39	Briark-West Memphis, AR	SSE–MP	Track and signal maintenance; dispatching performed at El Reno, OK. CTC controlled from Kentucky St.
40	West Memphis-Brinkley, AR	SSW	Track and signal maintenance; dispatching performed at El Reno, OK ABS—Block signals operator at Brinkley.
41	Irving-Carrollton, TX	SLSF	Maintenance, dispatching (all functions performed by SLSF at present).
42	Iowa Falls, IA	ICG	Interlocking towers.
43	Rock Island Junction, AR to Hermitage, AR	WSR	Maintenance.
44	Thompson, NE	BN	Diamond crossing maintenance.
45	Beatrice, NE	BN	Diamond crossing maintenance.
46	Centerville, IA	BN	Interlocking plant maintenance and operation.
47	La Salle, IL	BN	Diamond crossing maintenance.
48	Ottawa, IL	BN	Interlocking plant maintenance.
49	Colona, IL	BN	Interlocking plant maintenance.
50	St. Joseph, MO	BN	Diamond crossing maintenance.

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DEPARTMENT OF INTERIOR

U.S. Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Regulations Describing Nontoxic Shot Zones for Waterfowl Hunting Seasons Occurring in 1980 or in January and February 1981

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule establishes areas in which non-toxic shot will be required for waterfowl hunting in hunting seasons occuring in 1980 or in January or February, 1981. When eaten by waterfowl, spent lead pellets have a toxic effect. The zones described in this final ruling are established to reduce the number of deaths to waterfowl as a result of eating spent lead pellets. The only approved non-toxic shot available at this time is steel shot.

EFFECTIVE DATE: September 1, 1980.

FOR FURTHER INFORMATION CONTACT: Robert I. Smith, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: Research on the problem of lead poisoning in waterfowl has been conducted throughout most of this century. The complexities of the issue have been explored with conservationists, ammunition manufacturers, and State fish and game departments. For many years the Service has studied lead poisoning of waterfowl in cooperation with organizations representing a broad cross section of interests affected by and concerned with the problem.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the Service prepared a Final Environmental Statement (Use of Steel Shot for Hunting Waterfowl in the United States). This document was published in January 1976 and is available from the Service on request.

On March 20, 1976, the Secretary of the Interior announced a plan for the progressive implementation of steel shot. According to this plan, shotshells loaded with non-toxic shot were to be required for hunting waterfowl in designated areas of the Atlantic Flyway in 1976, in designated areas of the Mississippi Flyway in 1977, and in designated areas of the Central and Pacific Flyways in 1978.

On July 28, 1976, a final rule on the use of steel shot for waterfowl hunting was published in the **Federal Register** (41 FR 31386–89) and became effective August 27, 1976. On September 13, 1976, the Service published an amendment to 50 CFR 20.105(e) containing descriptions of areas where non-toxic shot was required for waterfowl hunting in the Atlantic Flyway in 1976 (41 FR 38772–38774).

On April 28, 1977, the Service published descriptions of areas where non-toxic shot was required for waterfowl hunting in the Atlantic and Mississippi Flyways in hunting seasons commencing in 1977 (42 FR 21616–18). On February 28, 1978, the Service published descriptions of areas where non-toxic shot was required for waterfowl hunting in portions of 32 States in 1978 (43 FR 8144–8149). However, appropriated funds for the Department of the Interior for fiscal year 1979 were restricted in their use by the following provision:

> No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

As a result of the above restriction placed on the implementation of the non-toxic shot regulations, nine of the 32 States having such regulations did not approve their implementation in part or in total. Where unapproved, the regulations were not enforced during the 1978–79 hunting season.

On July 17, 1979 the Service published descriptions of areas where non-toxic shot was required for waterfowl hunting in portions of 29 States in 1979 (44 FR 41461–67). Appropriated funds for the Department of the Interior were restricted by a provision identical to that of the previous year (H.R. 4930) and seven States did not approve enforcement of the regulations in part or in total. In States where unapproved the regulations were not enforced during the 1979–80 hunting season.

On February 11, 1980, a proposal to amend 50 CFR 20.108 was published in the **Federal Register** (45 FR 9028–9033). This publication contained proposed descriptions of areas in which non-toxic shot would be required for waterfowl hunting in hunting seasons commencing in 1980. This proposal contained descriptions of areas identical to those finalized in 1979.

Summary of Public Comment and Service Responses

Between February 11, 1980, and March 31, 1980, public comment on the proposed non-toxic shot zones for 1980 was received. Fifty-two letters were received. Included were letters from 16 State Fish and Game Departments. Among the 36 letters received from individuals or private organizations, 28 expressed opposition to the proposal, one was neutral, and seven supported the proposal. Three of the latter expressed the view that restrictions on lead shot should be applied to a much larger portion of the United States.

Objections to the proposal are listed below and are ranked according to the frequency mentioned.

1. Lead poisoning of waterfowl is not a serious problem.

2. The use of steel shot causes additional crippling of waterfowl.

3. Steel loads are not available in gauges other than 12-gauge.

4. The price of steel loads is unacceptably high.

5. Steel shot should be required throughout the United States for all waterfowl hunting.

6. Steel shot should be required on all National Wildlife Refuges.

The Service makes the following responses to the above-mentioned comments.

1. *Lead poisoning of waterfowl.* In 1976 the Service estimated that 1.6 to 2.4 million ducks would be lost to lead poisoning from a fall population of 100 million ducks. The Service believes that the above statement is reasonably accurate within the capability of current technology. This loss of waterfowl is serious and can be prevented.

2. *Performance of steel loads.* The primary objection to steel shot performance relates to the number of downed birds that are unretrieved. Some hunters have commented that the number of birds lost in this manner increases when steel shot is used. Tests comparing the ballistic performance of lead shot and steel shot have been conducted over the past ten years. These tests have not indicated that steel shot will cause excessive losses from crippling.

3. *Availability of steel shot loads in gauges other than 12-gauge.* The exception which allowed lead shot to be used in non-toxic shot zones provided it was used in gauges other than 12-gauge was in effect from 1976 through 1979. This exception for gauges other than 12-gauge terminates on August 31, 1980 (44 FR 2597–2599, January 12, 1979). The Service has received a letter from the Federal Cartridge Corporation indicating that non-toxic shot loads in 10 and 20 gauge as well as in 12-gauge will be produced and marketed in 1980. The Service does not believe that the lack of availability of steel shot in certain gauges would justify withdrawal of the proposed non-toxic shot zones for 1980.

4. *Price of steel loads.* In the fall of 1979 the retail prices of steel loads were recorded at several locations throughout the United States. The five most common steel loads averaged 29 percent higher in price than the five most common lead loads. This represented an increase of $2.54 per box of steel over the current price of lead loads. The Service does not believe that the added cost of steel shotshells represents a basis for withdrawal of the proposed non-toxic shot zones for 1980.

5. *Steel shot should be required throughout the United States for all waterfowl hunting.* Examination of waterfowl gizzards from numerous locations throughout the United States has indicated that the incidence of ingested shot in gizzards can be very low over relatively large areas. The objective of the non-toxic shot program is not to prevent all lead poisoning of waterfowl but to reduce the availability of lead shot to waterfowl in areas where the ingestion of spent pellets in occurring frequently and causing a serious lead poisoning problem.

6. *Steel shot should be required on all National Wildife Refuges.* On some National Wildlife Refuges decisions regarding steel shot have been delayed until studies can be conducted to determine the seriousness of the lead shot problem on the area in question.

Specific comments from State wildlife agencies or commissions are presented below along with responses of the Service.

Massachusetts. Based upon results of an investigation to determine the extent of lead shot ingestion by waterfowl in various parts of the State the Division of Fisheries and Game has requested that proposed zones for Barnstable County and Bristol County be removed.

Service response. Based upon information provided by the Division of Fisheries and Game the Service agrees with this request and has removed the zones proposed for Barnstable and Bristol Counties.

New York: Based on further investigations of shot ingestion by waterfowl, three changes in the proposed zones for New York were requested by the Division of Fish and Wildlife of the State of New York.

1. Reduce Long Island's south shore zone in Nassau County to the bays between Wantaugh Parkway and the New York City line.

2. Remove the portion of the Niagara River from the Peace Bridge to Lake Ontario.

3. Remove the remainder of the deep-water areas of Lake Ontario by deleting the area from the Salmon River to the mouth of the St. Lawrence River. This does not remove the Henderson and Black River Bays which are not deep-water areas. This removes all deep-water areas from the Niagara River to the mouth of the St. Lawrence.

Service response. The Service agrees with these changes requested by the State of New York and this final ruling has been modified to include them.

New Jersey. Based on studies conducted by the Division of Fish, Game, and Shellfisheries this State requested that the northern boundary of the proposed zones for the State be moved to the Shark River from its original position along Highway 36.

Service response. This requested change has been made in the final ruling.

Maryland. The Maryland Wildlife Administration notified the Service of studies being conducted and the results of these studies will be provided to the Service at a later date.

Service response. The Service will consider changes in the zones for Maryland when reports from the Maryland Wildlife Administration become available.

Minnesota. The Minnesota Department of Natural Resources requested that all of the Lac qui Parle goose hunting zone be included as a non-toxic shot zone. This area will be described in the 1980 waterfowl hunting regulations of the State of Minnesota as a non-toxic shot zone.

Service response. The Service will propose for public comment the Lac qui Parle goose hunting area as a non-toxic shot zone for waterfowl hunting seasons commencing after August 31, 1981.

Wisconsin. The Wisconsin Department of Natural Resources recommended that non-toxic shot be required throughout the Horicon and Central goose management area instead of being limited to water and land areas within 150 yards of the water. Also, the Department requested that Monroe County be added to the description of the Meadow Valley Wildlife Area.

Service response. Both requested changes were included in this final

ruling. The proposed 150 yard zone adjacent to water, which is an option selected by several States, protects areas where ducks feed adjacent to goose hunting fields. The protection of geese from lead shot ingestion should include the use of non-toxic shot in all upland feeding areas of geese.

Illinois. The Illinois Department of Conservation requested that five of the ten zones proposed for Illinois be removed. The justification for this request relates to the fact that no documented cases of lead poisoning in waterfowl exist for the five areas.

Service response. Documented occurrences of lead poisoning in waterfowl are only one of several criteria used to identify where non-toxic shot should be used. The Service does not consider the absence of such records to be an adequate justification for withdrawal of the areas.

Ohio. The Ohio Division of Wildlife requested that the counties of Sandusky, Wayne, Holmes, and Cuyahoga be included as non-toxic shot zones in addition to the counties proposed by the Service. This recommendation is based upon a three-year study conducted by the Division.

Service response. The Service will propose for public comment the four additional counties in Ohio for hunting seasons commencing after August 31, 1981.

Missouri. A letter from the Missouri Department of Conservation indicated that the Missouri Conservation Commission voted to rescind the State regulation which corresponds to the ruling proposed by the Service for that State for 1980 (45 FR 9028–9033). The basis for this decision was not discussed in the letter.

Service response. The Service takes note of the action of the Missouri Conservation Commission but does not believe that an adequate justification for withdrawal of the proposed zones in Missouri has been presented. Consequently the non-toxic shot zones for Missouri for 1980 as described in 45 FR 9028–9033 are retained in this final rule.

Tennessee. The Tennessee Wildlife Resources Agency requested that the five management areas located within Benton County be removed as non-toxic shot zones. This request is based upon a three-year study in which the average incidence of shot in mallard gizzards taken from these areas was 4.6 percent.

Service response. The areas in Benton County are removed from this final ruling.

Louisiana. The Louisiana Department of Wildlife and Fisheries notified the Service that the Louisiana Wildlife and Fisheries Commission opposes the proposed non-toxic shot zones for Louisiana in 1980.

Service response. The zones proposed for Louisiana are withdrawn pending completion of studies to be conducted there.

Kansas. The Kansas Fish and Game Commission requested that an area in Barton County known as the inlet canal be excluded from the areas where steel shot is required. Little hunting of waterfowl occurs on this area.

Service response. The inlet canal area was excluded from the non-toxic shot requirement as requested.

Texas. The Texas Parks and Wildlife Department requested that the Sea Rim and McFaddin Marsh National Wildlife Refuges be identified by the Service as non-toxic shot zones.

Service response. These two National Wildlife Refuges will have waterfowl hunting programs in which non-toxic shot will be required in the 1980–81 hunting season.

Oregon. The Oregon Department of Fish and Wildlife expressed opposition to the proposed ruling for Oregon. Specifically, the Department objected to the zone on the Columbia River between the Interstate Bridge and the Bonneville Dam.

Service response. That portion of the Columbia River between the Interstate Bridge and the Bonneville Dam was removed from this final ruling. The area is subjected to relatively light hunting activity and does not appear to present a problem with respect to lead shot deposits.

Washington. The Washington Department of Game expressed opposition to the proposed zones for Washington. The Department does not believe that restricting the use of lead shot will result in any significant reduction in mortality to waterfowl. In addition, the Department expressed concern that a portion of the Columbia River upstream from the Interstate Bridge should not have been proposed.

Service response. The Service agrees with the Department regarding that portion of the Columbia River upstream from the Interstate 5 Bridge. That portion of the proposed zone has been removed from this final ruling. The Service does not agree with the Department with respect to the significance of lead shot ingestion by waterfowl.

Nevada. The Nevada Department of Wildlife expressed opposition to the proposed zone on the Stillwater Wildlife Management Area.

Service response. In the proposed zone 10 percent of the pintail gizzards and 21 percent of the redhead gizzards examined contained ingested lead shot. The Service believes these levels of ingested lead shot represent a significant problem to the health of waterfowl using the area, and the zone should be maintained.

OTHER INFORMATION: This final rule was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202–254–3207.

The Department of the Interior has determined that this rule is not a significant rule and does not require preparation of a regulatory analysis. An Environmental Assessment was prepared and a finding of no significant impact was filed.

Accordingly, 50 CFR, Chapter I, Subchapter B, Subpart K is amended by removing the non-toxic shot zone descriptions for 1979 and replacing them with the following non-toxic shot zone descriptions for 1980.

Therefore § 20.108 is revised to read as follows:

§ 20.108 Non-toxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as non-toxic shot zones for waterfowl hunting seasons in 1980 and January and February 1981.

ATLANTIC FLYWAY

Connecticut

1. That portion of New Haven and Fairfield Counties bounded by a line beginning at the north end of the breakwater at Milford Point extending south to Stratford Point, north along Prospect Drive and Route 113 to Interstate 95, easterly along I–95 to Naugatuck Avenue, southerly along Naugatuck Avenue and Milford Point Road and continuing along a line extending from the end of Milford Point Road to the north end of the breakwater at Milford Point.

2. That portion of New Haven County along the Quinnipiac River known as the Quinnipiac Meadows beginning at the intersection of Sackett Point Road and I–91, extending south along I–91 to Route 5, northerly along Route 5 to Sackett Point Road, and easterly along Sackett Point Road to I–91.

Delaware

All lakes, ponds, marshes, swamps, bays, rivers, and streams or within 150 yards thereof within the boundaries of the following areas:

1. Chesapeake and Delaware Canal State Wildlife Area.
2. Augustine State Wildlife Area.
3. Woodland Beach State Wildlife Area.
4. Little Creek State Wildlife Area.
5. Prime Hook State Wildlife Area.
6. Bombay Hook National Wildlife Refuge.
7. Prime Hook National Wildlife Refuge.
8. That southeast portion of the State of Delaware bounded on the east by the

Atlantic Ocean, bounded on the south by the State of Maryland and bounded on the west and north by a line along Route 113 northwest from the Delaware-Maryland border to Route 24, thence northeast along Route 24 to Route 1, thence northwest along Route 1 to Route 9, thence northeast along Route 9 to Cape Henlopen Point.

Florida

In Oceola, Broward, Dade, Glade, and Leon Counties and on Lake Miccosukee, which lies in Leon County and the adjacent portions of Jefferson County. In that portion of Brevard County lying east of Interstate Highway 95, and on Orange Lake and Lochloosa Lake in Alachua County.

Maine

On the waters of the Kennebec River known as Merrymeeting Bay bounded as follows: from the high tension wires at Chops Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset, and Eastern Rivers and the Richmond-Dresden bridge on the Kennebec River, and within a 150-yard zone of land adjacent to the margins of these waters in the counties of Cumberland, Sagadahoc and Lincoln.

Maryland

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and Chesapeake Bay) in Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Anne's, Kent and Cecil Counties and those portions of Harford, Baltimore, and the Anne Arundel Counties lying south and east of U.S. Route 1, and within a 150-yard zone of land in the above counties adjacent to the margins of such waters. During ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

Massachusetts

Essex County: *North Boundary*—Massachusetts–New Hampshire line (Salisbury). *West Boundary*—U.S. Route 1 from State line southward to juncture with 1A in Newburyport, southward on 1A through the towns of Newbury and Rowley to juncture with 133 in Rowley and further south along combined routes 133–1A through Ipswich. *South Boundary*—juncture of 133 and 1A in Ipswich east along Route 133 through Essex and Gloucester to juncture of 133 and Route 128 in Gloucester. East along 128 to west bank of Annisquam River. *East Boundary*—west bank of the Annisquam River north to Ipswich Bay continuing north along the shoreline at Ipswich Bay the Atlantic Ocean to New Hampshire–Massachusetts line.

Plymouth County: *North Boundary*—Route 139 from the west bank of Green Harbor River (Marshfield) west to juncture with Route 3A (Duxbury). *West and South Boundary*—Route 3A from juncture of 139 south along 3A through towns of Duxbury, Kingston and Plymouth to juncture with Rocky Hill Road in Plymouth. *East Boundary*—Line extending from juncture of Route 3A and Rocky Hill Road in Plymouth north to Plymouth Light House on Duxbury Beach and further north along ocean side of Duxbury Beach to the west bank of the Green Harbor River in Marshfield. Also—waters of the Wareham and Weweantic Rivers in the towns of Wareham and Marion and the marshes adjacent to these rivers and within a 150 yard zone of land adjacent to these rivers and marshes, seaward from the first upstream bridge.

New Jersey

That portion of the State bounded on the north by The Shark River, on the west by the Garden State Parkway, on the south by the Cape May Canal, and on the east by the Atlantic Ocean.

New York

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and ocean waters) of that portion of New York west of Interstate Highway 81 and north of the New York State Thruway (Interstate Highway 90) and in those portions of Nassau County bounded on the south by the Long Island shoreline from the Wantaugh Parkway west to the Nassau County-New York City line; on the west by the Nassau County-New York City line northward from the Long Island shoreline to the Sunrise Highway (Route 27); on the north by the Sunrise Highway (Route 27) eastward to its junction with the Wantaugh Parkway; on the east by the Wantaugh Parkway southward to the Long Island shoreline and within a 150-yard zone of land in the above areas adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above and the waters of Lake Ontario, outside the barrier beach, from Tibbets Point in Jefferson County to the mouth of the Niagara River in Niagara County and the waters of the Niagara River from its mouth in Niagara County upstream to the Peace Bridge in the City of Buffalo are excluded from the non-toxic shot requirement. However, this exclusion does not include the Henderson Bay-Black River Bay area which shall continue to require non-toxic shot. The Henderson Bay-Black River Bay area is described as the area east of a line running from Snowshore Point on Henderson Harbor to Pillar Point on the southward portion of the Pillar Point Peninsula.

North Carolina

1. All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land in these counties adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

2. The waters of the Cape Fear River and its tributaries in New Hanover and Brunswick Counties and a 150-yard zone of land adjacent to the waters of this river and its tributaries in these two counties.

Pennsylvania

Crawford County, Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties, and the waters of the Susquehana River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundary and including a 25-yard zone of land adjacent to the waters of the Susquehana River that are described above.

Rhode Island

That portion of Washington County lying south and east of U.S. Route 1 but excluding Block Island and the waters of Block Island Sound and Narragansett Bay.

South Carolina

Georgetown, Colleton, Charleston, and Beaufort Counties.

Virginia

All waters and a 150-yard zone of land adjacent to these waters in the City of Virginia Beach and in an area between the York River and the James River bounded on the north by U.S. Highway 60, on the west by Highway 155, and on the south by Highway 5.

MISSISSIPPI FLYWAY

Illinois

Carlyle Lake and Wildlife Management Areas, Oakwood Bottoms, Sangchris Lake, Mermet Lake, Rice Lake, Union County Public Shooting Area, Horseshoe Lake (Alexander County) Public Shooting Area, Sanganois, Glades, and Stump Lake.

Indiana

1. On all waters of Lake, Porter, LaPorte, Newton, Jasper, Starke, Elkhart, Kosciusko, LaGrange, Steuben, and Posey Counties and within 150-yard Zone of land in these counties adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. Within the boundaries of the following State-owned or State-operated properties: Jasper-Pulaski Fish and Wildlife Area in Pulaski County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Glendale Fish and Wildlife Area in Daviess County, and the Tri-County Fish and Wildlife Area in Noble and Kosciusko Counties.

3. Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

Iowa

In Fremont and Mills Counties on all waters and a 150-yard zone of land in these two counties adjacent to waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Missouri River and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

Ohio

On all waters of Erie, Ottawa and Lucas Counties and within a 150-yard zone of land

in these counties adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the nontoxic shot requirement.

Michigan

1. Saginaw Bay Area—That area of Iosco, Arenac, Bay, Saginaw, Tuscola and Huron counties: Beginning at a point at the tip of Tawas Point in Sec. 3, T21N, R8E, Iosco County; northeast north and west on Tawas Point Road to its intersection with Highway US-23 (Sec. 21, T22N, R8E); south and west on Highway US-23 in Iosco and Arenac Counties to the intersection with Highway M-13 (Sec. 2, T18N, R4E, Arenac County); south on Highway M-13 in Arenac and Bay counties to the intersection with interstate Highway I-75 (Sec. 13, T14N, R4E); south on I-75, US-23 to the intersection with Highway US-10 (Sec. 24 T14N, R4E); west on Highway US-10 to the intersection with Garfield Road (northeast corner Sec. 27, T14N, R3E); south on Garfield Road in Bay and Saginaw Counties to the intersection with Tittabawassee Road (southwest corner Sec. 35, T13N, R3E); west on Tittabawassee Road to intersection with Graham Road (northwest corner Sec. 4, T12N, R3E); south on Graham Road to the junction of Highways M-46 and M-52 (west quarter corner Sec. 28, T12N, R3E); south on Highway M-52 to Highway M-57 (southwest corner Sec. 7, T9N, R3E); east on Highway M-57 to Highway M-13 (southeast corner Sec. 13, T9N, R4E); north on Highway M-13 to Burt Road (northwest corner Sec. 31, TION, R5E); east on Burt Road to Highway I-75, US-10 and US-23 (Sec. 28, TION, R6F); north on Highway I-75 to Highway M-46 (Sec. 28, T12N, R5E); east on Highway M-46 to North Gera Road southeast corner (Sec. 27, T12N, R6E); north on North Gera Road to Highway M-15 (Sec. 23, T12N, R6E); north on Highway M-15 in Saginaw and Bay Counties to Munger Road (Sec. 18, T13N, R6E); east on Munger Road (M-138) in Bay County and Fairgrove Road (M-138), in Tuscola County to Vassar Road (southeast corner Sec. 13, T13N, R7E); north on Vassar Road to Highway M-25 east quarter corner (Sec. 13, T14N, R7E); east and north on Highway M-25 in Tuscola and Huron Counties to Kinde Road (Sec. 35, T16N, R10E); east on Kinde Road to Highway M-53 (southeast corner Sec. 36, T18N, R12E); north on Highway M-53 to the junction with Highway M-25 (Sec. 30, T19N, R13E); north from that point to the shoreline of Lake Huron and then northwesterly from this point to the point of beginning (tip of Tawas Point in Iosco County).

2. Houghton Lake Area—That area of Roscommon, Missaukee, Kalkaska and Crawford Counties:

Beginning at the intersection of State Highway M-55 and Highway M-76 in Roscommon County (southeast corner Sec. 10, T22N, R1W); north on Highway M-76 to the Village of Roscommon, then west and south on county road 100 to the intersection of county road 104 (Sec. 32, T24N, R3W); west on county road 104 to the intersection of Highway US-27 (Sec. 34, T24N, R4W); north on Highway US-27 to the intersection of Fletcher Road in Crawford County (Sec. 23, T25N, R4W); west and northwest on Fletcher Road to county road 571 in Kalkaska County (Sec. 8, T25N, R6W); south on county road 571 to Highway M-55 in Missaukee County (Sec. 32, T23N, R6W); then east on Highway M-55 to the point of beginning.

3. Eastern Upper Peninsula Area—That area of Mackinac and Chippewa Counties:

Beginning at the point where the Mackinac Straits Bridge intersects the Lake Huron shoreline of Mackinac County north on Highway I-75 to Highway M-134 (Sec. 4, T42N, R3W); east on Highway M-134 to Highway M-129 (southeast corner sec. 25, T42N, R1W); north on Highway M-129 to business loop I-75 (Sec. 7, T47N, R1E); north on business loop I-75 to downtown Sault Ste. Marie and extending on a line northward to the International Boundary between U.S. and Canada; east and south along the International Boundary on the St. Mary's River north channel and Lake Huron to a point west of the southwest corner of Cockburn Island (in Canada); west from that point on the International Boundary in Lake Huron to the south tip of Goose Island lying southwest of Marquette Island; continuing southwest in Lake Huron to the southernmost point of Mackinac Island and then west to the point of beginning.

4. Southwestern Michigan Area—That area of Muskegon, St. Joseph, Newago, Ottawa, Allegan, Van Buren, Cass, Kalamazoo, Calhoun, Barry, Ionia, Branch, and Kent Counties:

Beginning at the southwest meandor corner of Sec. 4, T12N, R18W, Muskegon County, west on a line across Lake Michigan to the state boundary between Michigan and Wisconsin; south along the State boundary to a point directly west of the mouth of the Black River (Sec. 9, T1S, R17W) Van Buren County; east along a line to the mouth of the Black River (Sec. 9, T1S, R17W); upstream along the south shore of the Black River to Highway US-31, then southerly along Highway US-31 to Highway M-43 (Sec. 14, T1S, R17W); easterly along Highway M-43 in Van Buren County to the junction with M-40 (Sec. 13, T2S, R14W); southerly along M-40 to the junction of M-216 (Marcellus) (Sec. 16, T5S, R13W) Cass County; easterly along M-216 to junction of US-131 (Sec. 19, T5S, R11W); south on US-131 and Business US-131 to junction with M-60 (Sec. 18, T6S, R11W) St. Joseph County; north on M-60 and M-66 to the junction with I-96 (Sec. 25, T6N, R7W) Ionia County; west on I-96 to the junction with M-37 (Sec. 13, T7N, R12W) Kent County; north on M-37 to 112 Street (north quarter corner Sec. 13, T11N, R13W); west on 112 Street to Warner Road (Sec. 13, T11N, R14W); north on Warner Road to Roth Road (NE corner, Sec. 26, T12N, R14W); west on Roth Road to Maple Island Road to Highway M-20 (southwest corner, Sec. 31, T13N, R14W) and continuing north on M-20 to Skeels Road (northeast corner Sec. 1, T12N, R15W); west on Skeels Road to Nichols Road (Sec. 2, T12N, R16W); south on Nichols Road to Fruitville Road (Sec. 2, T12N, R16W); west on Fruitville Road to Highway US-31 (Sec. 9, T12N, R17W); north on Highway US-31 to Meinert Road (Sec. 4, T12N, R17W); west on Meinert Road to the southwest meandor corner Sec. 4, T12N, R18W (the point of beginning).

5. Southeastern Michigan Area—That area of Shiawassee, Washtenaw, Genesee, Livingston, Oakland, Lenawee, Jackson, Wayne, Ingham, St. Clair, Macomb and Monroe Counties:

Beginning at a point on the Blue Water Bridge at the International Boundary between the United States and Canada (Sec. 35, T7N, R17E) St. Clair County; westerly and south on Highway I-94 in St. Clair, Macomb Counties to the junction with M-59; west on M-59 to the junction with Highway I-75 in Oakland County; northwest along Highway I-75 to the junction with Highway I-69 in Genesee County; southwest along Highway I-69 to the junction with Highway M-52 (Sec. 9, T5N, R2E) Shiawassee County; south on M-52 to the junction with Highway M-36 (Sec. 22, T2N, R2E) Ingham County; west on M-36 to the junction with Highway US-127 (Sec. 6, T2N, R1W) Ingham County; south along US-127 in Ingham and Jackson Counties (through City of Jackson) to the junction with Highway US-12 (Sec. 7, T5S, R1E) Lenawee County; easterly on US-12 to the junction with Highway I-94 (Sec. 18, T3S, R7E) Washtenaw County; easterly on I-94 to the junction with Highway I-275 in Wayne County; southerly along I-275 to the junction with I-75 in Monroe County; southerly along I-75 to the State line (Sec. 5, T17S, R8E); east along the State line between Michigan and Ohio to the shoreline of Lake Erie; northeasterly along the State line to the International Boundary in Lake Erie, northerly along the International Boundary in Lake Erie, the Detroit River, Lake St. Clair and the St. Clair River to the point of beginning.

Minnesota

1. All waters within the boundaries of all State Wildlife Management Areas and Federal Waterfowl Production Areas and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement. Controlled hunting zones of goose management areas are excluded from this provision, except the Roseau Wildlife Management Area which is included.

2. On the waters on Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150-yard zone of land adjacent to the margins of the above lakes.

3. Beginning at the intersection of the midline of the Mississippi River and U.S. Highway 61 at Hastings, thence southerly along U.S. Highway 61 to U.S. Highway 16 at LaCresent, thence southerly along U.S. Highway 16 to State Trunk Highway 26, thence southerly along State Trunk Highway 26 to the southern boundary of the State; thence along the Southern and Eastern Boundaries of the State to the confluence of

the St. Croix and Mississippi Rivers, thence along the midline of the Mississippi River to the point of beginning.

Missouri

Within the following areas on all waters and a 150-yard zone of land within the areas adjacent to these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded lands of all types. Drainage ditches and temporary sheet water more than 150-yards from water areas described above are excluded from the non-toxic shot requirement.

1. Squaw Creek Area: North boundary—Iowa-Missouri State line. East boundary—U.S. Highway I–29. South boundary—St. Joseph, Missouri city limits. West boundary—East bank of the Missouri River.

2. Swan Lake—Fountain Grove Area: North boundary—U.S. Highway 36. East boundary—State Highway 5. South boundary—State Highway 240 and U.S. Highway 65. West boundary—U.S. Highway 65.

3. Upper Mississippi River Area: North boundary—U.S. Highway 36. East boundary—Illinois-Missouri State line. South boundary—North bank of the Missouri River. West boundary—U.S. Highway 61.

4. Montrose—Schell-Osage Area: North boundary—State Highway 7. East boundary—State Highway 13. South boundary—U.S. Highway 54. West boundary—U.S. Highway 71.

5. Duck Creek—Mingo Area: North boundary—State Highway 34. East boundary—State Highways 51, 91, and 25. South boundary—U.S. Highway 62. West boundary—U.S. Highway 67 and State Highway 53.

Wisconsin

1. In that portion of the State lying west of the Burlington Northern Railroad in Pierce, Pepin, Buffalo, Trempealeau, La Crosse, Vernon, Crawford and Grant Counties.

2. On all waters in the counties of Calumet, Columbia, Dane, Dodge, Fond du Lac, Green Lake, Jefferson, Kenosha, Manitowoc, Marquette, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Waukesha, Winnebago, Washington, Waupaca and Waushara, all of the Wisconsin River in Juneau and Adams Counties, and those portions of Oconto and Marinette Counties east of U.S. Highway 41, and that portion of Brown County lying northwest of the Fox River and east of U.S. Highway 141, and the Brown County islands in Green Bay and within a 150-yard zone of land adjacent to the margins of these waters, except that in the Horicon and Central goose management zones, non-toxic shot will be required for all waterfowl hunting. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above and the open water of Lake Michigan and Green Bay are excluded from the non-toxic shot requirements. All county boundary waters and lakes partially within a steel shot zone are totally included.

3. On any State wildlife area within the zones described in (2), steel shot is required for hunting waterfowl anywhere on State-owned lands or waters within the boundaries of said wildlife area and on the following State-owned wildlife areas which are not within the zones described in (2): Mead Wildlife Area in Marathon, Wood and Portage Counties, Wood County Wildlife Area and Sandhill Wildlife Area in Wood County, Meadow Valley Wildlife Area in Juneau and Monroe counties.

CENTRAL FLYWAY

Kansas

Barton County: The Cheyenne Bottoms Wildlife Area except the south 200 yards west of U.S. 156 and east of the north-south centerline of S36, T18S, R13W in Barton County and that area west of U.S. 281 commonly known as the inlet canal.

Linn County: All of the Marais des Cygnes Wildlife Areas.

Montgomery County: All of the Elk City Reservoir and Wildlife Area including all lands and waters managed by the U.S. Corps of Engineers and the Kansas Forestry, Fish and Game Commission.

Neosho County: All of the Neosho Wildlife Area.

Reno County: All of the Cheney Reservoir and Wildlife Area including all lands managed by the U.S. Bureau of Reclamation and the Kansas Forestry, Fish and Game Commission. Also, that portion of Quivira National Wildlife Refuge in Reno County.

Stafford County: That portion of the Quivira National Wildlife Refuge in Stafford County.

Rice County: That portion of the Quivira National Wildlife Refuge in Rice County.

Nebraska

Clay and Fillmore Counties and in Kearney and Phelps Counties except on the waters of the Platte River.

Texas

J. D. Murphree Wildlife Management Area and Sea Rim State Park in Jefferson County.

PACIFIC FLYWAY

Nevada

The Stillwater Wildlife Management Area.

Oregon

Beginning at the Longview Bridge on the Columbia River, thence south on State Highway 30 to Portland, thence north from Portland on I–5 to the Oregon-Washington boundary, thence down the Columbia River along the Oregon-Washington boundary to the Longview Bridge and point of origin.

Washington

1. Beginning at Interstate 5 and Highway 20 at Burlington, thence easterly along Highway 20 to Highway 9 at Sedro Woolley; thence southerly along Highway 9 to Highway 538 at Big Rock; thence westerly along Highway 538 to Mt. Vernon and Interstate 5; thence northerly along Interstate 5 to the point of origin.

2. Beginning at the Conway junction of Highway 530 and Fir Island Road, northwesterly along Fir Island Road to the Chilberg Road; thence northwesterly along Chilberg Road to LaConner and the Swinomish Channel; thence southerly and westerly along the red buoy line of Swinomish Channel to the Island County line; thence southeasterly along Island County line to State Highway 532; thence easterly along Highway 532 to State Highway 530 at Stanwood; thence northerly along State Highway 530 to the point of origin.

3. Beginning at the Longview Columbia River Bridge, thence north and east on Highways 433 (Oregon Way) and 432 (Tennant Way) to I–5; thence southerly along I–5 to the Washington-Oregon boundary; thence down the Columbia River along the Washington-Oregon boundary to the Longview Bridge and point of origin.

Dated: June 2, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80–17096 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 255

Fishing Vessel Obligation Guarantee Program Procedures; Advances

AGENCY: National Marine Fisheries Service, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: Current economic conditions have placed some fishing vessels in the unfavorable position of incurring increasing operational costs and receiving decreasing ex-vessel returns. The result is an increasing number of fishing vessel operators who are temporarily unable to service the long-term debt portion of vessel construction costs. This rulemaking establishes the circumstances and criteria under which the Secretary of Commerce will consider making advances on obligations guaranteed under the Fishing Vessel Obligation Guarantee Program in order to avoid possible payment defaults by fishing vessel operators who have been adversely affected by the current economic conditions.

EFFECTIVE DATE: June 5, 1980.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634–7496.

SUPPLEMENTARY INFORMATION: Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271 et seq.) authorizes the Secretary of Commerce (the "Secretary") to guarantee or make a commitment to guarantee the payment of principal of and interest on obligations which aid in financing (and

in some cases refinancing) the costs of construction, reconstruction, or reconditioning of vessels used in the fishing trade or industry and owned by United States citizens. In the event of the obligor's non-payment of an installment due on the guaranteed note that has continued for more than 30 days, the obligee has for a further 60 days the right to demand full payment of the entire balance of the guaranteed note from the Secretary. The Secretary must then pay to the obligee the full balance of the guaranteed note within 30 days from the date of the demand.

In some cases where the obligor has insufficient resources to pay an installment on the guaranteed note, the Secretary may decide to advance the funds which are necessary to avoid a payment default. This rulemaking sets forth the circumstances and the criteria under which the Secretary will make such advances.

Due to current economic conditions and the need to expedite the process of advancing funds to avoid payment defaults, the customary comment period will be waived and this regulation will become effective June 5, 1980.

Dated: May 22, 1980.

Winfred Meibohm,

Executive Director, National Marine Fisheries Service.

(Title XI Merchant Marine Act, 1936, as amended (46 U.S.C. 1271, et seq.) and Reorganization Plan No. 4 of 1979 (86 Stat. 909))

PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

1. Accordingly, § 255.7 of this Part is promulgated as follows:

§ 255.7 Advance of payments on obligations.

The Secretary shall have the discretion to make or commit to make an advance or advances of installment payments on guaranteed obligations based on the determination that the obligor will be unable to do so and there is a reasonable expectation that such advances will be repaid or that it is in the Secretary's best interest to make such advances. The terms of an advance shall be satisfactory to the Secretary and shall include but not necessarily be limited to:

(a) The interest rate shall be equal to the greater of: (1) the sum of the effective interest rate borne by the guaranteed obligation and a guarantee fee computed in accordance with § 255.3(g)(1); (2) the sum of the interest rate Treasury would charge the Federal Ship Financing Fund for a similar borrowing of like maturity and a guarantee fee computed in accordance with § 255.3(g)(1); or (3) the New York City prime rate of interest.

(b) The advance may have a maturity date no later than that of the guaranteed obligation.

(c) The advance shall be repayable under conditions satisfactory to the Secretary.

(d) As long as any advance is outstanding, no dividends can be paid without the prior written consent of the Secretary provided, however, that if the obligation and such advance or advances are assumed by a non-affiliated company which was approved by the Secretary, this dividend restriction shall not apply unless it is expressly required by the Secretary.

(e) The advance, both as to principal and interest, shall be secured by the existing First Preferred Ship Mortgage on the financed vessel given by the Obligor to the Secretary and by such other additional collateral as the Secretary may require.

(f) Whether or not to make an advance shall be a matter of the Secretary's discretion and shall be governed by what the Secretary considers to be in his/her own best interest. No advances shall be made where the obligor has alternative resources from which funds sufficient to pay installments on the guaranteed note could be generated.

§§ 255.7–255.9 [Renumbered §§ 255.8–255.10]

2. Sections 255.7, 255.8, and 255.9 shall be renumbered as §§ 255.8, 255.9, and 255.10 respectively.

[FR Doc. 80-17115 Filed 6-4-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 110
Thursday, June 5, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1493

CCC Export Credit Guarantee Program (GSM-102)

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Notice of proposed rulemaking.

SUMMARY: Under the authority of Section 5 of the Commodity Credit Corporation Act, as amended (15 U.S.C. 714c), the Commodity Credit Corporation (CCC) is proposing an Export Credit Guarantee Program (GSM-102). The program will protect the U.S. exporter or the exporter's assignee from defaults in payments by foreign banks due to commercial or non-commercial risks on export credit sales of 3 years or less by the issuance of a payment guarantee by CCC. GSM-102 is intended to increase farm income and create a more favorable balance of trade for the United States by expanding international markets for exporters of U.S. agricultural commodities.

DATE: In order to assure consideration, comments must be received on or before July 21, 1980.

ADDRESS: Mail or deliver comments to Assistant Administrator for Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: L. T. McElvain, Chief, Commercial Export Credits Branch, Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447-3224. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from L. T. McElvain.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant." Kelly Harrison, General Sales Manager, Foreign Agricultural Service, has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposed action because a timely adoption of the program is crucial to ensure continuity between CCC's direct financing program and its proposed guarantee program where financing would be provided by private U.S. banks. Both programs have the same market development objectives and since budget projections have been reduced for CCC direct financing export programs, it is therefore necessary to implement the new program as soon as possible in order to maintain the normal cycle of credit approvals and shipping schedules for commodities shipped under the CCC export programs to avoid possible loss of U.S. export markets.

The GSM-102 Export Credit Guarantee Program is designed to stimulate private financing of U.S. exports of agricultural commodities. The principal objectives of the program are: First, to expand and/or maintain export markets for U.S. agricultural commodities; and second, to permit certain developing countries with improved financial conditions to switch from reliance on U.S. financial aid under Pub. L. 480 to private financing at commercial rates of interest, generated through the GSM-102 Program.

Under the GSM-102 program, the foreign buyer contracts for the purchase of U.S. commodities on a deferred payment basis of 3 years or less and arranges for a bank in the destination country to issue a letter of credit to guarantee payment to the exporter. The exporter will then register the sale with CCC, pay a guarantee fee, and receive a payment guarantee. The exporter may assign both the account receivable and the CCC payment guarantee to a bank in the United States, which will then pay the exporter for the account receivable and agree to receive deferred payments from the foreign bank. The payment obligation is then owed by the foreign bank to the U.S. bank. CCC's payment guarantee will come into play only if the foreign bank fails to fulfill its obligation to pay the exporter or the assignee U.S. bank.

The GSM-102 Program is extremely similar to the Non-Commercial Risk Assurance Program (GSM-101). The major difference is that, in addition to the non-commercial risk coverage of the GSM-101 program, the GSM-102 program will also protect against commercial risks. The GSM-102 is intended to encourage U.S. banks to finance export credit sales when payment of such sales is secured by private foreign banks by protecting the U.S. banks from defaults of private foreign banks due to commercial risks. Since CCC's coverage of commercial as well as non-commercial risks will increase participation by private foreign banks, the regulations provide for CCC to approve the foreign banks utilized by the importer to eliminate from participation those foreign banks which do not meet acceptable financial standards.

The new program was developed as an improvement over the GSM-101 Program which tended to encourage participation by foreign government-owned banks. By providing for commercial risks coverage, more private foreign banks will be able to participate in the GSM-102 program thus allowing a wider range of foreign buyers to participate in the program.

The new GSM-102 program will provide for a comprehensive ("all risks") guarantee for the amount of principal covered, but banks will continue as they have under GSM-101, to assume a small portion of the risk. Under the GSM-101 Program, the CCC guarantee covers 100 percent of the port value and up to 6 percent per annum interest. Under the new program, CCC will have the flexibility to cover 100 percent of the port value plus interest not to exceed the Federal Reserve Discount Rate in effect at the time the application or the payment guarantee is received. However, it is expected that CCC will require the banks to take at least a 2 percent risk on the port value and initially it is expected that CCC will cover up to 8 percent per annum interest. The combined principal and interest covered under the two programs thus would be approximately equivalent. Depending on the transactions being considered, CCC may require banks to take more than 2 percent risk on the principal in some individual cases. Also, CCC will have the authority to assume more than 8

percent interest coverage whenever it determines that such an increase in coverage would be in the interest of the program. In all cases, however, banks will be expected to take a portion of the risk on each transaction.

It is expected that when the GSM–102 Program begins to operate, the GSM–101 Program will remain in effect principally for outstanding assurance agreements issued prior to the introduction of the GSM–102 Program.

Since the new program will continue the financing of U.S. agricultural exports at levels similar to those under existing export-promotion programs, no abrupt effect is anticipated on U.S. commodity markets or domestic prices.

The public is invited to submit written comments regarding the proposed rule to the above indicated address. Each person submitting comments regarding the proposed rule shall include his or her name and address and give reasons for any suggested changes in the proposed rule. Copies of all written communications received will be available for examination by interested persons in room 4079, South Agriculture Building, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250 during regular business hours.

PROPOSED RULE: Accordingly, it is proposed to amend Subchapter C of Chapter XIV of 7 CFR by adding a new Part 1493 CCC Export Credit Guarantee Program (GSM–102) and a new Subpart A thereunder as follows:

PART 1493—CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM–102)

Subpart A—Guaranteeing Against Defaults by Foreign Banks

General

Sec.

Authority: Sec. 5(f), 62 Stat. 1072 (15 U.S.C. 714c(f)).

Subpart A—Guaranteeing Against Defaults by Foreign Banks

General

§ 1493.1 General Statement.

(a) This part contains the regulations governing the Commodity Credit Corporation (CCC) Export Credit Guarantee Program, also referred to herein as "GSM–102". Exporters of U.S. agricultural commodities usually require importers to guarantee payment of the selling price of commodities sold to such importers. The guarantee may be in the form of (1) an irrevocable foreign bank letter of credit issued in favor of the exporter who may draw drafts for the deferred payments to be presented to the foreign bank as such payments become due; or (2) an irrevocable foreign bank letter of credit which authorizes the exporter to draw drafts on and for acceptance by a U.S. correspondent bank of the foreign bank. The exporter may assign the account receivable to a U.S. bank or financial institution so that the exporter may realize the proceeds of the sale prior to the deferred payment dates, as called for in the export credit sale. GSM–102 is designed to protect the exporter or the exporter's assignee against loss from defaults in payment due to commercial and non-commercial risks under the letter of credit issued by the foreign bank to secure payments called for by the export credit sales agreement, or under the foreign bank's obligation owed to the assignee U.S. bank which is related to the letter of credit issued by the foreign bank in favor of the exporter. By transferring the risk of loss due to defaults in payment by foreign banks from the exporters and their financing institutions to CCC, GSM–102 is intended to: facilitate exportation; forestall or limit declines in exports; permit exporters to meet competition from other countries; and increase commercial exports of U.S. agricultural commodities.

(b) GSM–102 will be administered by the General Sales Manager, Foreign Agricultural Service (FAS), U.S. Department of Agriculture.

(c) The provisions of Pub. L. 83–664 (Cargo Preference Act) are not applicable to shipment of commodities covered under GSM–102 protection.

(d) GSM–102 may be supplemented by USDA announcements.

§ 1493.2 Definition of terms.

(a) "Assistant General Sales Manager" means the Assistant General Sales Manager, Export Credits, Foreign Agricultural Service, or designee of the Assistant General Sales Manager.

(b) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(c) "Date of export" means the onboard date of an ocean bill of lading or onboard ocean carrier date of an intermodal bill of lading.

(d) "Date of sale" means the earliest date the exporter has knowledge that a contractual obligation exists with the importer under which a firm dollar-and-cent price has been established or a mechanism to establish the price has been agreed upon.

(e) "Eligible interest" means the maximum amount of interest which CCC agrees to pay the exporter as indicated in CCC's payment guarantee. Eligible interest will be shown in the payment guarantee and shall not exceed the Federal Reserve Discount rate in effect on the date CCC receives the exporter's application for a payment guarantee.

(f) "Exported value" means the value of the commodity exported under the payment guarantee basis f.a.s. or f.o.b. points of export.

(g) "Exporter" means an individual, group of individuals, partnership, corporation, association, cooperative, or any other entity that is: (1) financially responsible; (2) engaged in the business of buying or selling commodities for export and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States; and (3) not suspended or debarred from contracting with or participating in any program administered by CCC on the date of issuance of the payment guarantee.

(h) "FAS" means the Foreign Agricultural Service, U.S. Department of Agriculture.

(i) "Foreign bank letter of credit" means: (1) an irrevocable commercial letter of credit calling for deferred payments and issued in favor of the exporter by a CCC-approved banking institution in the destination country pursuant to an export credit sale requiring payment in U.S. dollars; or (2) an irrevocable commercial letter of credit issued in favor of the exporter by a CCC-approved banking institution in the destination country pursuant to an export credit sales requiring payment in U.S. dollars, which is supported by a related obligation calling for deferred payment in U.S. dollars from the banking institution issuing the letter of credit to a financial institution in the United States.

(j) "Guaranteed value" means the maximum amount CCC agrees to pay

the exporter under CCC's payment guarantee, exclusive of interest. The guaranteed value will be shown in the payment guarantee.

(k) "Importer" means a foreign buyer who enters into an export credit sale contract with a U.S. exporter.

(l) "Payment gurantee" means the written agreement under which CCC undertakes, for a period not exceeding 3 years after export, to protect the exporter or the exporter's assignee from losses due to defaults in payment by a foreign bank under the foreign bank's letter of credit supporting the exporter's export credit sales contract or under the foreign bank's obligation owed to the assignee U.S. bank related to the foreign bank's letter of credit issued in favor of the U.S. exporter.

(m) "Port value" means the total value of the export credit sale, less any discounts or allowances, basis f.a.s. or f.o.b. at U.S. points of export. Such value shall include the amount of the upward loading tolerance, if any, as provided for by the export credit sales contract.

(n) "USDA announcement" means an announcement issued by the U.S. Department of Agriculture supplementing these regulations. An announcement may include identification of eligible agricultural commodities and countries, dollar limitation of CCC exposure in a country and other information.

Guarantees Against Defaults

§ 1493.3 Application for payment guarantee.

(a) An exporter shall submit a written application (e.g., letter, telex, or TWX) for a payment guarantee to the USDA office specified in § 1493.15. An application may be made by telephone but, if so made, it must be confirmed in writing. An application shall include the full business name and address of the exporter and the following:

(1) Name of the destination country.
(2) Name and address of importer.
(3) Intervening purchaser, if any.
(4) Date of sale.
(5) Exporter's sale number.
(6) Delivery period.
(7) Kind and description of the commodity.
(8) Quantity.
(9) Contract loading tolerance.
(10) Port value, including upward loading tolerance.
(11) Guaranteed value.
(12) Guarantee fee.
(13) The name and address of the foreign bank issuing letter of credit.
(14) Estimated payment schedule(s) for each shipment to be made under the export credit sale showing estimated payment due dates and estimated amounts due separately for both principal and interest.

(b) An application for a payment guarantee may be approved as submitted, approved with modifications, or rejected by the Assistant General Sales Manager. In the event the application is approved, the Assistant General Sales Manager shall cause a payment guarantee to be issued in favor of the U.S. exporter.

§ 1493.4 Payment guarantee.

(a) The payment guarantee shall provide that CCC will pay the U.S. exporter or the exporter's assignee in U.S. dollars for losses resulting from the failure of the foreign bank which issues the bank letter of credit securing the export credit sale to honor drafts drawn upon it or othewise to remit amounts properly due the exporter or the exporter's assignee.

(b) The payment guarantee shall become effective on the date(s) of export(s) of the agricultural commodities sold by the exporter to the importer and continue in force until the end of the period covered by the final payment schedule not exceeding 36 months from the dates of such export(s). Exports made prior to receipt by CCC of a telephonic or written application for a payment guarantee or exports made after the final date for export shown on the payment guarantee or amendment thereof are ineligible for GSM–102 coverage, except where it is determined by the Assistant General Sales Manager to be in the interest of CCC.

(c) The payment guarantee may contain such terms, conditions, and limitations not inconsistent with GSM–102 as are deemed necessary or desirable by the Assistant General Sales Manager.

(d) The payment guarantee may be amended by the parties thereto, provided that such amendment is in conformity with GSM–102 at the time the amendment is approved. Amendments may include a change in the credit period or an extension of time to export. Any amendment to the payment guarantee may be subject to an increase in the guarantee fee.

Guarantee Rates and Fees

§ 1493.5 Guarantee rates.

The payment guarantee rates will be based upon the length of the payment terms provided by the export credit sale contract, the degree of risk that CCC assumes, and any other factors which CCC believes should be considered. Guarantee rates charged by CCC under GSM–102 will be available upon request from the USDA office specified in § 1493.15.

§ 1493.6 Guarantee fee.

(a) The guarantee fee will be computed on the basis of the guarantee rate and the guarantee value.

(b) The exporter shall remit, with his written application (e.g., letter, telex, or TWX), the full amount of the fee based on the guarantee rate. If the application is submitted by telephone, final approval will not be given until the fee and a written application have been received by CCC. Approval of the application will be final and refund of the guarantee fee will not be made after approval unless the Assistant General Sales Manager determines that such a refund will be in the interest of Commodity Credit Corporation.

(c) If the application for a payment guarantee is not approved or is approved only for a part of the coverage requested, a full or pro rata refund of the remittance will be made. The guarantee fee shall be made payable to CCC and mailed to the office specified in § 1493.15.

Documents Required After Export

§ 1493.7 Evidence of export.

(a) The exporter shall provide a written report to the office specified in § 1493.15 within 20 days following each export covered under the payment guarantee. This report shall include the following:

(1) Payment guarantee number.
(2) Date of export.
(3) Exporter's sale number.
(4) Exported value.
(5) Kind, quantity, and description of the commodity exported.
(6) Statement that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sales contract with the foreign importer have been exported to the country specified in the payment guarantee.
(7) A statement that the exporter has documents evidencing the obligation of the foreign importer and that such documents will be retained until three years after maturity of the related payment guarantee.
(8) A statement that a letter of credit has been opened in favor of the exporter by the foreign bank shown in the payment guarantee to cover the port value of the commodity exported.
(9) A final payment schedule showing the payment due dates and the amount due, separately for both the principal and the estimated interest for which credit has been extended to the importer.

(b) If the report required by paragraph (a) of this section is not received by

CCC within 20 business days after the date of the export, the payment guarantee shall become null and void with respect to defaults in payment applicable to such export. This provision may be waived by the Assistant General Sales Manager for good cause shown.

Losses Caused by Defaults

§ 1493.8 Notice of default.

(a) If the foreign bank issuing the letter of credit fails to make a remittance pursuant to the terms of the foreign bank letter of credit or the obligation owed by the foreign bank to the assignee U.S. bank which is related to the foreign bank's letter of credit issued in favor of the exporter, the exporter or the exporter's assignee shall promptly furnish a written notice of default to the Treasurer, CCC, at the address indicated in § 1493.11. The notice shall include the payment guarantee number, the amount due, the date of refusal to pay and reason for the default, if known.

(b) Within 30 days after the notice of default, the exporter or the exporter's assignee shall furnish a claim for loss to the Treasurer, CCC, with the following information and documents:

(1) Payment guarantee number

(2) A certification that the scheduled payment has not been received

(3) A copy, certified as true and correct by the exporter or the exporter's assignee, of each of the following:

(i) Foreign bank letter of credit securing the export credit sale and, if applicable, the obligation owed by the foreign bank to the assignee U.S. bank which is related to the foreign bank's letter of credit issued in favor of the exporter.

(ii) Export credit sales contract.

(iii) Ocean carrier or intermodal bill(s) of lading with onboard ocean carrier date for each shipment.

(iv) Invoice(s) showing the exported value of the commodity.

(c) A claim for a loss by the exporter or the exporter's assignee shall not be honored if it is not made in writing to the Treasurer, CCC, prior to the expiration of six months from the date of default of the scheduled payment.

§ 1493.9 Payment of loss.

(a) Upon receipt of the information required under § 1493.8, and such evidence as CCC may deem necessary for the purpose of establishing that the loss was occasioned by a default in payment by the foreign bank, CCC shall promptly determine whether or not a loss has occurred for which CCC is liable under the applicable payment guarantee and these regulations. CCC will promptly notify the exporter of its determination.

(b) CCC's maximum liability will be limited to the lesser of (1) guaranteed value as shown in the payment guarantee plus eligible interest or (2) the percentage of the exported value as specified in the payment guarantee, plus eligible interest. The liability of CCC shall be reduced to the extent that the exporter has obtained other valid and collectible coverage for such loss.

(c) CCC shall only honor claims for losses on amounts not paid as scheduled. CCC shall not honor claims for amounts due under an accelerated payment clause in the export credit sales contract, the foreign bank's letter of credit, or any obligation owed by the foreign bank to the assignee U.S. bank which is related to the foreign bank's letter of credit issued in favor of the exporter, unless it is determined to be in the interest of CCC by the Assistant General Sales Manager.

(d) If CCC determines that it is liable to the exporter and/or the exporter's assignee, the exporter and/or the exporter's assignee shall execute and submit to CCC an instrument, in form and substance satisfactory to CCC, subrogating to CCC their respective rights for the amount of payment in default under the applicable export credit sale. After receipt of an instrument of subrogation, CCC will remit to the exporter or the exporter's assignee the amount of the combined principal and interest loss covered by the payment guarantee plus interest at a rate not to exceed the Federal Reserve Bank of New York discount rate in effect on the date of default, beginning with the 31st day after notice of default was received by CCC and continuing to the date payment is made by CCC.

(e) Upon payment of a claim to the exporter or the exporter's assignee, the exporter or the exporter's assignee shall cooperate with CCC to effect recoveries from the foreign bank and/or the importer.

§ 1493.10 Recovery of losses.

(a) Upon payment of loss to the exporter or the exporter's assignee, CCC will notify the importer and/or the foreign bank of CCC's rights under the subrogation agreement to recover all monies in default.

(b) In the event monies for the defaulted payment are received by the exporter or the exporter's assignee from the importer, foreign bank or any other source whatsoever, such monies shall be immediately paid to the Treasurer, CCC.

(c) Recoveries made by CCC from the importer or foreign bank and recoveries received by CCC from the exporter or the exporter's assignee or any other source shall be allocated by CCC to the exporter or the exporter's assignee and CCC on a pro rata basis as their respective interest may appear. The respective interest shall be determined on a pro rata basis, based on the combined amount of principal, plus interest according to each party's liability.

(d) Notwithstanding any other terms of the payment guarantee, the exporter shall be liable to CCC for any amounts paid by CCC under the payment guarantee when and if it is determined by CCC that the exporter has been or is in breach of any contractual obligation, certification or warranty made by the exporter for the purpose of obtaining the payment guarantee.

Miscellaneous Provisions

§ 1493.11 Assignment.

(a) The exporter may make an assignment of the proceeds payable by CCC under the payment guarantee only to a bank or other financing institution in the United States. The assignment shall cover all amounts payable under the payment guarantee not already paid and shall not be made to more than one party, and shall not be subject to further assignment unless approved by CCC.

(b) An original and two copies of the written notice of each assignment of monies that may be due or come due from CCC together with one signed copy of the instrument of assignment, which shall be a true copy of the original, must be filed by the assignee with the Treasurer, CCC, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

(c) Receipt of the notice of assignment shall be acknowleged by an official of CCC.

§ 1493.12 Convenant against contigent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the payment guarantee or that there is any agreement or understanding for commission, percentage, brokerage, or contingent fee, except in the case of bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation of any other rights it may have, to annul the payment guarantee without liability to CCC.

§ 1493.13 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the payment guarantee or to any benefit

that may arise therefrom, but this provision shall not be construed to extend to the payment guarantee if made with a corporation for its general benefit.

§ 1493.14 Exporter's records and accounts.

Authorized officials of USDA shall have access to and the rights to examine any pertinent books, documents, papers, and records of the exporter and/or the exporter's assignee involving transactions related to the export credit sale covered by the payment guarantee until 3 years after expiration of the coverage of the related payment guarantee.

§ 1493.15 Communications.

Unless otherwise provided, written requests, notifications, or communications concerning the payment guarantee shall be addressed to the Assistant General Sales Manager, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C. on May 30, 1980.

Fred Welz,

Acting Vice President, Commodity Credit Corporation and Acting General Sales Manager, Foreign Agricultural Service.

[FR Doc. 80-17097 Filed 6-4-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-NE-16]

Amendment of 700-Foot Transition Area, Newport, Vt.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the description of the Newport Vermont, 700-foot transition area so as to provide added protected airspace for aircraft executing an amended Non-Directional Radio Beacon (NDB), Standard Instrument Approach Procedure (SIAP) at Newport State Airport, Newport, Vermont.

DATES: Comments must be received on or before June 30, 1980.

ADDRESS: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-16.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-16, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before June 30, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8085. Communications must identify the number of this NPRM.

Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Newport, Vermont, 700-foot transition area.

The amendment will add controlled airspace to the transition area, to provide protected airspace for aircraft executing an amend Non-Directional Radio Beacon (NDB), Standard Instrument Approach Procedure (SIAP) to the Newport State Airport, Newport, Vermont.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by changing the description of the Newport, Vermont, 700-foot transition area as follows:

1. Delete the present description in its entirety and substitute in lieu thereof:

"That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Center, 44 degree 53'22"N, 72 degree 13'48"W, of Newport State Airport, Newport Vermont, within 3 miles each side of the 045 degree M/029 degree T bearing from the Newport, Vermont, NDB extending from the 5-mile radius area to 8 miles northeast of the NDB, excluding the portion overlying Canada."

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 8, 1978.) The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Mass., on May 23, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80-16931 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 441

Medicare and Medicaid Programs; Prohibition Against Payment for Less Than Effective Drugs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposal would prohibit the use of Federal funds to pay for certain drugs under the Medicare and Medicaid programs (titles XVIII and XIX of the Social Security Act). It would bar the expenditure of Federal funds under these programs for drugs that the Food and Drug Administration of HHS has

concluded, in a final determination, are not effective for any indicated use. In addition, it would prohibit reimbursement for drugs (with certain exceptions) that have not been approved by the Food and Drug Administration for sale in interstate commerce. The purpose of this proposal is to ensure that care and services provided under these two programs are of high quality, and that Federal funds are expended in an effective and responsible manner.

DATES: To assure consideration, comments should be received by: August 4, 1980.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, and Human Services, Department of Health, P.O. Box 17073, Baltimore, Maryland 21235.

Comments may be hand delivered to:

Health Care Financing Administration, Room 309G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C.

or

Health Care Financing Administration, Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP-70-F. Comments will be available for public inspection beginning approximately two weeks from today, in Room 309G of our offices at 200 Independence Avenue, SW., Washington, D.C. on Monday through Friday 8:30 a.m. to 5 p.m. (202-245-0950). Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION CONTACT: Marinos Svolos, (301) 594-6719.

SUPPLEMENTARY INFORMATION: Both the Medicare program under title XVIII and the Medicaid program under title XIX of the Social Security Act reimburse, under certain circumstances, for drugs provided to eligible individuals. Medicare is authorized under sections 1812(a), 1832(a), 1861(b)(2), 1861(h)(5), 1861(s)(2) and 1861(t) to provide coverage of drugs when they are furnished in a hospital or skilled nursing facility or by a physician. Medicare's regulations implementing these statutes are included in 42 CFR 405.116(a), 405.125(a), and 405.231.

Under the Medicaid program States may reimburse for prescribed drugs as an optional item of service under section 1905(a)(12) of the Act. As specified in 42 CFR 440.120, drugs must be prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her professional practice as defined and limited by Federal and State law. Currently, 52 of the 54 States and jurisdictions with Medicaid programs include coverage of prescribed drugs.

Background

The 1962 amendments to the Federal Food, Drug, and Cosmetic Act (Pub. L. 87-781, October 10, 1962) require that new drugs as defined in that Act be determined effective, as well as safe, before they can be approved by the Food and Drug Administration (FDA) for marketing. In addition to new drugs proposed for marketing in the future, this requirement applied retroactively to all drugs approved as safe by FDA for 1938 to 1962. To implement this requirement, FDA developed procedures to reevaluate for effectiveness those drugs previously approved for safety. As a result of this reevaluation, approximately 6900 drug products have been removed from the market. (This figure includes both previously approved drug products and identical, similar or related products.) However, some drugs that have been initially classified as less than effective by FDA remain on the market until FDA completes its review process.

Under the drug review procedure, FDA, Bureau of Drugs has published in the **Federal Register** its initial decision on all drug products in the Drug Efficacy Study Implementation (DESI) program, and manufacturers have had an opportunity to submit additional data to support the therapeutic claims for the drug products that were initially determined to be less than effective. If the Bureau of Drugs then decides that a drug product has not been proven effective for the conditions it is intended to treat, the Bureau publishes in the **Federal Register** a Notice of Opportunity for Hearing (NOOH) proposing to withdraw approval for marketing. This notice affords the manufacturer an opportunity for a hearing before a final determination by FDA that a drug is not shown to be effective for any claim and is no longer approved for marketing.

We have decided to propose a prohibition on the use of Medicare and Medicaid funds for purchase of less than effective drugs as specified below.

Provisions of the Regulation

1. *Drugs affected.*—Three categories of drugs are affected by this proposal. The first category includes those drugs, previously approved by FDA, that the FDA has reevaluated for efficacy, has made a final determination that they are less than effective for all indications, and has withdrawn its approval for marketing. We believe that this proposal would lessen, for both Medicare and Medicaid beneficiaries, the risk of taking drugs that may unnecessarily delay medically appropriate therapy and result in possible harm. We do not believe that Federal funds should be used to pay for drugs that have been determined, after an extensive review and reconsideration process, to be less than effective.

The second category includes other products that are identical, related or similar to the first category. These products are so-called "me-too" drugs that were marketed under different names or by different firms, without FDA's approval. The NOOH specifically names only those drug products that are the subject of new drug applications. It is not feasible for FDA to list identical, related and similar products that are not explicitly subjects of new drug applications. However, it is essential that efficacy decisions be applied to all identical, related or similar drug products. Consequently, FDA applies the same regulatory policy to these drug products even though they are not listed in the **Federal Register** notice. The FDA regulations specify that manufacturers and distributors of drugs should review their products as drug efficacy notices are published, and assure that their identical, related or similar products comply with the drug efficacy notices.

The third category includes drugs, such as Laetrile, that are subject to pre-market approval, but have been introduced onto the market without seeking FDA's approval. While these drugs have not been approved by FDA for sale across State lines (interstate commerce), some are currently authorized by certain States to be prescribed legally and are being marketed within a State's boundaries. As a result, Federal funds under Medicaid have been available for their purchase in these States. Medicare funds have not been available for these drugs, because our long-standing program policy under the authority of Section 1862(a)(1) of the Act has been not to pay for drugs of this type. This section specifies that Medicare will not provide reimbursement for items or services which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member. Under this proposal, this long-standing policy (Section 3101.3 B of the Medicare Part A Intermediary Manual) would be incorporated into Medicare

regulations. The proposal reflects this policy for the Medicaid program as well.

While the proposed regulation would prohibit Medicaid and Medicare reimbursement for drugs that require approval for interstate marketing, but are not approved by FDA, we are providing an exception for certain cases in which HCFA determines that payment would be appropriate. For example, based on a recommendation by the Public Health Service of the Department, we have determined that coverage would be appropriate for certain drugs (known as Class C drugs) that are distributed, in cooperation with the FDA, by the National Cancer Institute to physicians registered under its Cancer Therapy Evaluation Program. Drugs are classified in Class C only if there is sufficient evidence demonstrating their efficacy within a tumor type and the possible benefit to the patient exceeds the risk. We are revising program manual instructions to reflect our determination. The proposed exception in the Medicare and Medicaid regulations would permit decisions of this type to be made in appropriate future cases.

2. *Point of termination of Federal reimbursement.*—We are proposing to terminate Federal reimbursement for the affected drugs after the administrative review process described above is completed (i.e., at the point, after the NOOH and the completion of any hearing that is held, when FDA makes a *final* determination that a drug has not been proven effective). The FDA publishes this determination in the **Federal Register**. Court appeals may then be made, which may result in court orders to permit the continued selling of the drug until litigation is concluded. It should be noted that, under our proposal, we would not reimburse for the affected drugs during any appeal or court stay of FDA's final ruling. We believe to do so would represent unnecessary risks to individuals.

We considered but decided against proposing termination of Medicare and Medicaid reimbursement at the time the Bureau of Drugs within the FDA publishes the NOOH. In 1970, the Surgeon General implemented a policy prohibiting the use of Federal funds in Public Health Service programs for drug products still on the market, but classified as "less than effective" by the Bureau of Drugs, unless no alternative means of therapy exists. The General Accounting Office (GAO) and the FDA have recommended that HHS issue regulations to expand this policy to the Medicare and Medicaid programs, based on the fact that some drugs initially classified by the Bureau of Drugs as "less than effective" still remain on the market. The Bureau's determination, however, rests on the manufacturer's failure to demonstrate affirmatively by substantial evidence the drug's effectiveness. The Bureau's decision is not a decision of the FDA as a whole or of its Commissioner. Although the manufacturer has had notice and the opportunity to submit evidence about its product before the NOOH stage, the manufacturer has not had its statutory opportunity to contest the Bureau determination. The proposed regulation would permit continued federal reimbursement under Medicare and Medicaid for a questioned drug until the administrative record is complete and the Commissioner makes a final agency decision that the drug has not been determined to be effective.

The policy underlying this proposed regulation respects the exercise of professional judgment by those responsible for the care of patients. The Department assumes a measure of this responsibility through many of its own PHS programs and when thus directly involved, has fostered the utilization of drugs whose efficacy is not in question. However, in all situations outside of PHS programs, for the period of time before the FDA's final decision, the questioned drugs remain available to the public to the extent that physicians continue to prescribe them. We believe that when these physicians exercise their professional judgment and prescribe such drugs, patients receiving Medicare or Medicaid should not be prevented from receiving the drug their physician has chosen.

While we believe that the proposed regulation governing HCFA reimbursement is compatible with the existing PHS policy, that policy and its implementation will be considered in the review of comments received in response to this Notice.

3. *Effective date.*—The prohibition on the use of Medicare funds to pay for less than effective drugs furnished to beneficiaries would apply to drugs furnished on or after the effective date of the final FDA efficacy determination, as published in the **Federal Register**. Similarly, for Medicaid, the prohibition on federal financial participation (FFP) would cover purchases made by recipients beginning on or after that same date. We will coordinate our procedures with FDA so that prompt notice of the FDA action can be given to Medicare contractors (intermediaries and carriers), State Medicaid agencies, physicians, pharmacists, medical facilities and others.

42 CFR Chapter IV is amended as set forth below.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

A. Part 405 is amended by revising § 405.310(k) to read as follows:

§ 405.310 Types of expenses not covered.

Not withstanding any other provisions of this Part 405, no payment may be made for any expenses incurred for the following items or services:

* * * * *

(k) Those which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (thus, payment could not be made for the rental of a special hospital bed to be used by an individual in his home if it was not a reasonable and necessary part of the individual's treatment). This includes:

(1) Any drug that the Food and Drug Administration (FDA) classifies as less than effective for any treatment in a final determination published in the **Federal Register**;

(2) Any identical, similar or related drug, as defined in 21 CFR 310.6 of the FDA regulations, whether or not it is listed in the Notice of Opportunity for Hearing published by FDA in the **Federal Register**, or specifically named in FDA's final determination published in the **Federal Register**. This prohibition against payment and that in paragraph (k)(1) of this section apply to drugs furnished on or after the effective date of the final FDA determintion; or

(3) Any drug that cannot be legally marketed in interstate commerce because FDA has not approved it, except those specifically determined by HCFA to be appropriate for coverage.

* * * * *

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

B. Part 441 is amended as set forth below:

1. The table of contents is amended to add a new § 441.25 to Subpart A as follows:

Subpart A—General Provisions

* * * * *

2. Section 441.10(d) of Subpart A is amended and as revised § 441.10 reads as follows:

§ 441.10 Basis.

This subpart is based on the following sections of the Act which state requirements and limits on the services specified or provide Secretarial authority to prescribe regulations relating to services:

(a) Sections 1902(a)(13)(A)(ii) and 1905(a)(7) for home health services (§ 441.15).

(b) Section 1905(a)(4)(C) for family planning (§ 441.20).

(c) Section 1905 (a)(12) and (e) for optometric services (§ 441.30).

(d) Section 1102 for end-stage renal disease (§ 441.40) and certain prescribed drugs (§ 441.25).

(e) Section 1905(a) (following (a)(17)), which prohibits FFP in expenditures for certain services (§ 441.12).

3. A new § 441.25 is added to Subpart A as follows:

§ 441.25 Prohibition on FFP for certain prescribed drugs.

(a) *Prohibition.* FFP is not available in expenditures for purchase of—

(1) Any drug that the Food and Drug Administration (FDA) classifies as less than effective for any treatment in a final determination published in the **Federal Register;**

(2) Any identical, similar or related drug, as defined in 21 CFR 310.6 of the FDA regulations, whether or not it is listed in the Notice of Opportunity for Hearing published by FDA in the **Federal Register,** or specifically named in FDA's final determination published in the **Federal Register;** or

(3) Any drug that cannot be legally marketed in interstate commerce because FDA has not approved it, except those specifically determined by HCFA to be appropriate for coverage.

(b) *Effective date of prohibition.* The prohibition on FFP for drugs specified in paragraphs (a)(1) and (2) of this section applies to drugs purchased on or after the effective date of the final FDA determination.

(Section 1102, and 1862(a) of the Social Security Act (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program, No. 13.773 Medicare—Hospital Insurance, and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: March 1, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: May 27, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-16996 Filed 6-4-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5835]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, (in Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entitites. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Carbon Hill, Walker County.	Lost Creek	Just downstream of U.S. Hwy 78	*403
			Just upstream of County Road 63 (Pine Street)	*414
Maps available at City Hall, Maple Street and Second Avenue, Carbon Hill, Alabama 35549.				
Send comments to Mayor Sam Stewart or Jacky Mays, Mayor Pro-Tem, City Hall, P.O. 459, Carbon Hill, Alabama 35549.				
Alabama	City of Cordova, Walker County	Cane Creek (Backwater from Mulberry Fork).	Just upstream of County Road 22	*280
			Just upstream of County Road 61	*280
		Mulberry Fork	Just downstream of County Road 30	*280
			Just upstream of St. Louis San Francisco Railroad Crossing	*280
Maps available at City Hall, 115 Jasper Street, Cordova, Alabama 35550.				
Send comment to Mayor Jimmy Alexander or Troy Windsor, Mayor Pro-Tem, City Hall, P.O. Box 1589, Cordova, Alabama 35550.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Montevallo, Shelby County	Shoal Creek	Just upstream of Main Street	*387
			Just upstream of Overland Road	*411
		King Creek	Approximately 160 feet downstream of County Highway 204	*387
		Spring Creek	Confluence of Spring Creek and Dry Creek	*415
		Dry Creek	Approximately 100 feet downstream of County Highway 12	*428
	Maps available at City Hall, 53 South Main Street, Montevallo, Alabama 35115.			
	Send comment to Mayor Ralph W. Sears or Mr. J. A. Brown, Mayor Pro-Tem, City Hall, 53 South Main Street, Montevallo, Alabama 35115.			
Alabama	Town of Walnut Grove, Etowah County.	Locust Fork of Black Warrior River.	Just upstream of U.S. Highway 278	*827
		Payne Branch	Just upstreaam of U.S. Highway 278	*827
			Just upstream of Old Asheville Road	*841
	Maps available at City Hall, Blountsville-Gadsden Road, Walnut Grove, Alabama 35900.			
	Send comments to Mayor W. T. Scruggs or Ruben Besherars, Councilman, P.O. Box 146, Walnut Grove, Alabama 35990.			
California	Los Angeles (City) Los Angeles County.	Weldon Canyon	110 feet upstream from center of Golden State Freeway Bridge	*1,345
		Kagel Canyon	100 feet upstream from center of Osborne Street	*1,130
			Intersection of Kagel Canyon and city corporate limits	*1,154
		Rustic Canyon	400 feet east from the intersection of Sunset Boulevard and Will Rogers State Park Road.	*201
			30 feet upstream from center of Sunset Boulevard	*235
		Shallow Flooding (Sheet Flow)	At intersection of Third Street and Fairfax Avenue	#1
			At intersection of Exposition Boulevard and LaBrea Avenue	#1
			At intersection of Third Street and LaCienega Boulevard	#2
			At intersection of Lemarsh Street and Canoga Boulevard	#2
			At intersection of Prosser Avenue and Tennessee Avenue	#3
			At intersection of Foothill Boulevard and Tujunga Valley Street	#3
		Shallow Flooding (Ponding)	At the intersection of Denker Avenue and 205th Street	*43
			At intersection of Topham Street and Oxnard Avenue	*756
		Shallow Flooding (Deep Ponding)	50 feet east from the intersection of Santa Susanna Place and Canyon Place.	*909
			100 feet east from the intersection of Rexbon Road and Mayerling Street.	*1,275
	Maps available at City Engineer's Office, 200 North Street, Los Angeles, California.			
	Send comments to the Honorable Thomas Bradley, 200 North Street, Los Angeles, California 90012.			
Kansas	(Uninc.) Douglas County	Kansas River	About 2500 feet downstream of Township Road 25	*797
			At eastern corporate limit of City of Lawrence	*820
			About 4000 feet downstream of Kansas Turnpike	*829
			At confluence of Oakley Creek	*845
			At Douglas and Shawnee county boundary	*862
		Wakarusa River	Mouth at Kansas River	*805
			At Atchison, Topeka and Santa Fe Railway	*807
			Just upstream of Township Road 5	*818
			Just upstream of Haskell Avenue	*825
			At U.S. Highway 59	*829
			About 2000 feet upstream of confluence of Washington Creek	*834
		Little Wakarusa Creek	At mouth	*810
			About 0.8 mile upstream of Township Road 359	*810
			About 2.4 miles upstream of Township Road 359	*817
		Coon Creek	Mouth at Kansas River	*850
			About 100 feet upstream of County Road 432	*858
			About 1200 feet upstream of confluence of Coon Creek Tributary	*861
			About 7000 feet upstream of confluence of Coon Creek Tributary	*900
			About 3.1 miles upstream of confluence of Coon Creek Tributary	*941
		Baldwin Creek	At mouth at Kansas River	*835
			About 2100 feet upstream of County Road 1041	*836
			About 100 feet downstream of County Road 438	*839
			Just upstream of County Road 438	*842
			About 100 feet upstream of Township Road 364	*850
			Just upstream of Township Road 82	*869
			About 5725 feet upstream of confluence of Baldwin Creek Tributary	*885
			About 2.2 miles upstream of confluence of Baldwin Creek Tributary	*921
		Baldwin Creek Tributary	At confluence with Baldwin Creek	*870
			About 900 feet upstream of confluence with Baldwin Creek	*871
			About 3400 feet upstream of confluence with Baldwin Creek	*887
			About 7300 feet upstream of confluence with Baldwin Creek	*930
		Quail Creek	Mouth at Yankee Tank	*832
			About 2600 feet upstream of mouth	*836
		Coal Creek	At mouth	*819
			About 575 feet upstream of County Road 458	*824
			About 150 feet downstream of County Road 460	*859
			Just upstream of County Road 460	*862
			About 1600 feet upstream of County Road 460	*863
			Just upstream of Township Road 56	*880
			Just downstream of Township Road 43	*905
		Vinland Creek	Confluence with Coal Creek	*833
			Just upstream of Township Road 97	*846
			At confluence of West Fork Vinland Creek and East Fork Vinland Creek.	*854

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		East Fork Vinland Creek	Just downstream of County Road 1055	*859
			Just upstream of County Road 1055	*862
			About 4000 feet upstream of County Road 1055	*882
		West Fork Vinland Creek	Just downstream of County Road 1055	*858
			About 75 feet upstream of County Road 1055	*865
			About 1100 feet downstream of Township Road 3	*875
			About 1050 feet upstream of Township Road 3	*894
		Pleasant Grove West	At mouth at Pleasant Valley Tributary	*829
			About 0.6 mile upstream of Township Road 12-A	*839
			About 25 feet downstream of County Road 458	*851
			Just downstream of Township Road 216	*886
			Just downstream of Township Road 50	*903
			Just upstream of Township Road 50	*908
			About 50 feet downstream of Township Road 51	*920
			About 1800 feet upstream of Township Road 51	*930
		Pleasant Grove East	At mouth at Pleasant Valley Tributary	*829
			About 1050 feet upstream of Township Road 12-A	*835
			About 50 feet upstream of Township Road 1-A	*848
			About 1400 feet upstream of Township Road 1-A	*858
			Just downstream of County Road 458	*880
		Pleasant Valley Tributary	At mouth at Wakarusa River	*829
			About 2850 feet downstream of Township Road 12-A	*831
			Just upstream of Township Road 12-A	*845
			About 950 feet upstream of Township Road 12-A	*846
			About 1550 feet downstream of Township Road 216	*870
			Just downstream of Township Road 216	*884
		Naismith Creek	Mouth at Wakarusa River	*828
			At City of Lawrence corporate limits	*828
		Washington Creek	At County Road 458	*834
			About 9300 feet upstream of Township Road 239	*860
			About 800 feet upstream of confluence of Chicken Creek	*869
			About 1200 feet upstream of County Road 1039	*880
			About 100 feet upstream of County Road 1031	*905
		Washington Creek Tributary	Confluence with Washington Creek	*837
			About 650 feet upstream of Township Road 427	*843
			About 3200 feet downstream of Township Road 153	*855
			About 0.5 mile upstream of Township Road 153	*880
		Yankee Tank	Mouth at Wakarusa River	*831
			At confluence of West Branch Yankee Tank and Hidden Valley Tributary.	*833
		Hidden Valley Tributary	At southern corporate limit of City of Lawrence	*833
			Just upstream of Township Road 29-A	*834
			About 100 feet upstream of 23rd Street	*850
			About 3000 feet upstream of 23rd Street	*877
		East Branch Yankee Tank	At confluence with Yankee Tank	*832
			At Township Road 21	*834
			About 1000 feet upstream of Township Road 21	*836
		West Branch Yankee Tank	About 3100 feet upstream of confluence with Yankee Tank	*835
			About 6100 feet upstream of confluence with Yankee Tank	*841
		East Fork Tauy Creek	About 4500 feet downstream of Township Road 255	*978
			Just upstream of Township Road 51-E	*998
			At Baldwin City southern corporate limits	*1,005
			At Baldwin City northern corporate limits	*1,025
			About 3500 feet downstream of Township Road 302	*1,029
			Just downstream of Township Road 302	*1,048
			Just upstream of Township Road 302	*1,051
			Just upstream of County Road 1055	*1,054
			About 1975 feet upstream of County Road 1055	*1,069
		East Fork Tauy Creek Tributary	At confluence with East Fork Tauy Creek	*987
			About 1300 feet upstream of confluence with East Fork Tauy Creek	*988
			At Baldwin City southern corporate limit	*994
		Kanwaka Tributary	About 7400 feet upstream of mouth at Clinton Lake	*923
			About 8750 feet upstream of mouth at Clinton Lake	*950
			About 11,125 feet upstream of mouth at Clinton Lake	*975
			About 13,360 feet upstream of mouth at Clinton Lake	*1,004
		Deerfield Tributary	At Kasold Road	*859
			At confluence of West Fork Deerfield Tributary	*860
			About 200 feet downstream of Peterson Road	*874
			At Peterson Road	*878
		Atchison, Topeka and Santa Fe Tributary.	At mouth	*817
			Just downstream of Atchison, Topeka and Santa Fe Railway	*819
			Just upstream of Atchison, Topeka and Santa Fe Railway	*826
			At City of Lawrence corporate limit	*826
		Maple Grove Drainage	At northeastern county boundary	*814
			Just upstream of Union Pacific Railroad	*817
			About 100 feet upstream of second crossing of Kansas Turnpike, north of Ninth Street.	*819
			About 160 feet upstream of Township Road 88 (Fifth Street)	*822
			About 650 feet upstream of Kansas Turnpike East Lawrence Interchange.	*823
		Maple Grove Drainage West Fork	About 800 Feet downstream of U.S. Highway 59	*823
			At Township Road 23	*826

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Maple Grove Drainage East Fork	About 950 feet downstream of U.S. Highway 24-40	*823
			About 50 feet upstream of Township Road 88	*824
		Eudora East Tributary	At mouth	*805
			Just upstream of Atchison, Topeka and Santa Fe Railway	*807
			About 80 feet downstream of Township Road 86	*810
			Just upstream Township Road 86	*820
			Just downstream of Old State Highway 10	*820
			About 75 feet upstream of Old State Highway 10	*837
			About 1000 feet upstream of southeastern corporate limits of the City of Eudora.	*840
	Maps available at the Douglas County Courthouse, Zoning Administrator's Office, Lawrence Kansas			
	Send comments to Ms. Beverly Bradley, Chairman, Douglas County Commissioners, Douglas County, 910 Massachusetts, Lawrence, Kansas 66044.			
Kentucky	City of Mayfield, Graves County	Kess Creek	Just upstream of 10th Street (Central Avenue)	*472
			Just upstream of Belmeade Drive	*477
	Maps available at City Hall, 211 East Broadway, Mayfield, Kentucky 42066.			
	Send comments to Mayor Charles O. Davis or Mr. William Horton, Mayor Pro-Tem, City Hall, 211 East Broadway, Mayfield, Kentucky 42066.			
Louisiana	City of Denham Springs, Livingston Parish.	Amite River	Just upstream of U.S. Highway 190	*42
			Just upstream of Illinois Central Gulf Railroad	*45
		Long Slash Branch (Backwater flooding from Amite River).	Just upstream of River Road (Louisiana State Highway 1028)	*45
		Colton Creek (Backwater flooding from Amite River).	Just upstream of UNA Street	*46
		Grays Creek	Just upstream of Wax Road	*33
			Just downstream of Florida Avenue (U.S. Highway 190)	*42
			Just upstream of Westfield Drive	*45
		Wax Ditch (Backwater Flooding from Grays Creek).	Just downstream of Pete's Highway (Louisiana State Highway 16)	*40
		Felders Ditch (Backwater flooding from Grays Creek).	Just downstream of Pete's Highway (Louisiana State Highway 16)	*39
		Millers Canal (Backwater flooding from Grays Creek).	Just upstream of Wax Road	*32
	Maps available at City Engineers Office, 114 North Range Avenue, Denham Springs, Louisiana 70726.			
	Send comments to Mayor Herbert Hoover or Vernon Ray Miller, Mayor Protem Government Street, P.O. Box 816, Denham Springs, Louisiana 70726.			
Louisiana	Town of Port Barre, St. Landry Parish.	Bayou Courtableau	Just upstream of State Highway 103	*28.2
		Bayou Teche	Just upstream of U.S. Highway 190	*28.0
	Maps available at Town Hall, Saizon Avenue, Port Barre, Louisiana 70875.			
	Send comments to Mayor Dorris Gotet or Ray Thibodeaux, Mayor Pro-tem, City Hall, P.O. Box 219, Port Barre, Louisiana 70875.			
Michigan	(C), Lansing, Ingham, Clinton, and Eaton Counties.	Grand River	Just upstream of Waverly Road (at downstream corporate limits)	*818
			Just upstream of East Michigan Avenue	*830
			Just upstream of Moores Park Dam	*835
			Upstream corporate limits	*839
		Red Cedar River	Mouth at Grand River	*832
			Just upstream Aurelius Road	*836
			Upstream corporate limits	*837
		Sycamore Creek	Mouth at Red Cedar River	*836
			Just upstream Cavanaugh Road	*836
			Just downstream Jolly Road	*838
			Just upstream Interstate 96	*841
		Mud Lake Drain	Mouth at Sycamore Creek	*837
			Just upstream of Enterprise Drive	*850
			Just downstream of Willoughby Road (at upstream corporate limits)	*865
	Maps available at the Planning Department, City of Lansing, City Hall, 124 W. Michigan Avenue, Lansing, Michigan.			
	Send comments to Honorable Gerald W. Graves, Mayor, City of Lansing, City Hall, 124 W. Michigan Avenue, Lansing, Michigan 48933.			
Minnesota	(C) Barnesville, Clay County	Whiskey Creek	At downstream corporate limit	*988
			About 100 feet upstream of 6th Street Northwest	*996
			About 100 feet downstream of Burlington Northern Railroad	*997
			Just upstream of Burlington Northern Railroad	*1,003
			About 100 feet downstream of Front Street	*1,005
			Just upstream of Front Street	*1,011
			Just downstream of Barnesville Lake Dam	*1,018
			Just upstream of Barnesville Lake Dam	*1,025
		Unnamed Creek	At downstream corporate limit	*992
			About 100 feet downstream of Oxidation Pond Driveway	*997
			Just upstream of Oxidation Pond Driveway	*1,002
			About 2100 feet downstream of Third Street Southwest	*1,003
			About 1100 feet downstream of Third Street Southwest	*1,014
			Just upstream of Burlington Northern Railroad	*1,023
			At upstream corporate limit	*1,030
	Maps available at City Hall, P. O. Box 295, Barnesville, Minnesota.			
	Send comments to Honorable Dale Rollie, Mayor, City of Barnesville, City Hall, P. O. Box 295, Barnesville, Minnesota, 56514 to the attention of Mr. David Peterson, City Clerk-Treasurer.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	(C), Hawley Clay County	Buffalo River	At downstream corporate limit	*1,131
			Just downstream of U.S. Highway 10	*1,139
			At upstream corporate limit	*1,144
Maps available at City Hall, Hawley, Minnesota.				
Send comments to Honorable Burton Johnson, mayor, City of Hawley, City Hall, Hawley, Minnesota 56549 to the attention of Mr. Lawrence Quam, City Clerk-Treasurer.				
Minnesota	(C), Mabel Fillmore County	Riceford Creek	About 950 feet downstream of State Highway 44	*1,107
			About 60 feet downstream of State Highway 44	*1,109
			About 120 feet upstream of State Highway 44	*1,110
			About 80 feet upstream of East Prairie Avenue	*1,113
			About 500 feet downstream of County Road 28	*1,115
			Just upstream of County Road 28	*1,116
			About 60 feet upstream of County Road 28	*1,118
			About 290 feet upstream of County Road 28	*1,119
			About 150 feet downstream of western corporate limit	*1,122
			About 60 feet upstream of western corporate limit	*1,123
Maps available at City Hall, P.O. Box 425, Mabel, Minnesota.				
Send comments to Honorable Donald Wedlandt, Mayor, City of Mabel, City Hall, P.O. Box 425, Mabel, Minnesota 55954 to the attention of Mr. James Narum, City Clerk.				
Minnesota	(C), Proctor, St. Louis County	Kingsbury Creek	Just downstream Boundary Avenue at corporate limits	*1,190
			Just upstream of pedestrian walkway located upstream of Boundary Avenue.	*1,213
			About 30 feet upstream of pedestrian walkway located downstream of 1st Street East.	*1,221
			Downstream of 1st Street	*1227
			Just downstream of first crossing of Duluth-Missabe and Iron Range Railway.	*1,229
			Just upstream of second crossing of Duluth-Missabe and Iron Range Railway.	*1,231
			Just downstream of 2nd Street	*1,231
			Just downstream of 2nd Street	*1,235
			About 1200 feet downstream of Ugstad Road	*1,236
			About 70 feet downstream of Ugstad Road	*1,242
			About 70 feet downstream of South Ugstad Road	*1,242
		Knowlton Creek	At eastern corporate limit	*1,055
			About 450 feet upstream of eastern corporate limit	*1,090
			About 1100 feet upstream of eastern corporate limit	*1,130
			About 130 feet downstream of Skyline Parkway	*1,137
			About 100 feet upstream of Skyline Parkway	*1,164
			Just upstream of Interstate 35	*1,171
			About 1020 feet upstream of Interstate 35	*1,187
			About 3190 feet upstream of Interstate 35	*1,200
			Just upstream of private drive	*1,224
			About 200 feet downstream of Frontage Drive	*1,229
			About 50 feet downstream Frontage Drive	*1,236
			Just upstream of Frontage Drive	*1,243
			At corporate limits on Ugstad Road	*1,243
			About 50 feet upstream of Ugstad Road	*1,244
Maps available at the Office of the City clerk, City Hall, 200 Second Street, Proctor, Minnesota.				
Send comments to Honorable James Rohweder, Mayor, City of Proctor, City Hall, 200 Second Street, Proctor, Minnesota 55810.				
Minnesota	(C), Whalan, Fillmore County	Root River	Downstream corporate limit	*786
			About 200 feet downstream of the confluence with Gribben Creek	*787
			Just upstream of Main Street	*792
			Upstream corporate limit	*793
Maps available at City Hall, P.O. Box 146, Whalan, Minnesota.				
Send comments to Honorable Harley Olson, Mayor, City of Whalan, City Hall, P.O. Box 146, Whalan, Minnesota 55986.				
Nebraska	(V), Bennet, Lancaster County	Little Nemaha River	About 4400 feet downstream of State Highway 43	*1,230
			Just downstream of State Highway 43	*1,239
			About 80 feet upstream of State Highway 43	*1,240
			About 1600 feet upstream of State Highway 43	*1,245
			About 3200 feet upstream of State Highway 43	*1,247
		Unnamed Tributary To Little Nemaha River.	At confluence with Little Nemaha River	*1,235
			About 1280 feet downstream of State Highway 43	*1,236
			About 60 feet downstream of State Highway 43	*1,240
			Just upstream of State Highway 43	*1,243
			Just downstream of Garden Street	*1,252
			About 1460 feet upstream of Garden Street	*1,257
Maps available at the City Clerk's Residence, Bennet, Nebraska.				
Send comments to Mr. Roger Vedder, Chairman of the Board of Trustees, Village of Bennet, Bennet, Nebraska 68508 to the attention of Mr. Dwayne Hagaman, City Clerk.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Caledonia, Town, Livingston County.	Genesee River	Downstream Corporate Limits	*534
			Upstream U.S. Route 20 and State Route 5	*539
			Upstream Corporate Limits	*540
		Christie Creek	Downstream Corporate Limits	*572
			800' downstream Dam	*584
			Downstream Dam and Private Drive	*593
			Upstream Dam	*602
			800' downstream Quarry Road	*629
			Upstream Quarry Road	*639
			Upstream Footbridge	*641
			1,000' upstream Footbridge	*644
		Fowler Creek	Downstream Corporate Limits	*761
			2,000' upstream Corporate Limits	*777
			4,000' upstream Corporate Limits	*791
			6,000' upstream Corporate Limits	*798
			Downstream Black Street	*819
			Upstream Black Street	*826
			Upstream Footbridge	*827
			2,400' upstream Footbridge	*830
	Maps available at the Town Hall, Caledonia, New York.			
	Send comments to Mr. Carroll Bickford, Town Supervisor of Caledonia, Town Hall, 3109 Main Street, Caledonia, New York 14423.			
Tennessee	City of Germantown, Shelby County.	Wolf River	Just upstream of Germantown Road	*262
			Confluence of Wolf River and Wolf River Lateral C	*266
		Wolf River Lateral A	Just downstream of Neshoba Road	*278
			Just upstream of Neshoba Road	*286
		Wolf River Lateral B	Just downstream of Hollow Fork Road	*262
			Just upstream of Hollow Fork Road	*269
			Just upstream of Neshoba Road	*286
		Wolf River Lateral BA	Just downstream of Rebekah Drive	*293
			Just upstream of Ashworth Road	*307
		Wolf River Lateral C	Just upstream of Farmington Boulevard	*288
			Just upstream of Woodcreek Drive	*299
		Wolf River Lateral CA	Just upstream of Kimbrough Road	*271
			Just upstream of Brierbrook Road	*292
		Wolf River Lateral D	Just upstream of Farmington Boulevard	*280
			Just upstream of Dogwood Road	*305
		Wolf River Lateral E	Just upstream of Poplar Avenue (U.S. Highway 72)	*308
		Wolf River Lateral EA	Just downstream of U.S. Highway 72 (Poplar Avenue)	*326
		Howard Road Outfall	Just upstream of McVay Road	*306
			Just downstream of Stout Road	*320
		Howard Road Outfall Lateral A	Just upstream of Riverdale Road	*312
		Howard Road Outfall Lateral AA	Just upstream of Howard Road	*325
	Maps available at City Hall, 1930 Germantown Road South, Germantown, Tennessee 38138.			
	Send comments to Mayor W. A. Nance or J. A. Kahn, Vice Mayor, 1930 Germantown Road, Germantown, Tennessee 38138.			
Tennessee	Unincorported Areas of Lake County.	Reelfoot Lake	Entire Shoreline	*287
		Mississippi River	Illinois Central Gulf Railroad cross over Old Tramway Ditch	*294
	Maps available at Lake County Courthouse, Agricultural Department, Church Street, Tiptonville, Tennessee 38079.			
	Send comments to Judge Wilford Parks or Laverne House, County Court Clerk, Lake County Courthouse, Church Street, Tiptonville, Tennessee 38079.			
Tennessee	City of Millington, Shelly County	Big Creek Drainage Canal	Just upstream of U.S. Highway 51	*259
			Just upstream of Raleigh-Millington Road	*262
		Royster Creek	Aproximately 500 feet upstream of Shelby Road	*258
		North Fork Creek	Approximately 500 feet upstream of Navy Road	*262
			Just upstream of Cuba-Millington Road	*270
			Approximately 1200 feet upstream of Cuba-Millington Road	*274
		North Fork Creek Lateral A	At northern most corporate limits (extended)	*281
	Maps available at City Hall, 7930 Nelson Street, Millington, Tennessee 38053.			
	Send comments to Mayor Tom Hall, City Hall, P.O. Box 247, Millington, Tennessee 38053.			
Tennessee	Town of Obion, Obion County	Johnson-Hurt Avenue Tributary	Just upstream of Hurt Avenue	*285
			Just upstream of U.S. Highway 51	*289
		Fifteenth Street Tributary	Just upstream of Palestine Street	*287
	Maps available at Town Hall, Seventh Street, Obion, Tennessee 38240.			
	Send comments to Mayor Eddie M. Huey or Mr. Jerald Hollis, Vice Mayor, Town Hall, P.O. Box 266, Obion, Tennessee 38240.			
Tennessee	City of Tiptonville, Lake County	Mississippi River	Intersection of Tipton Street and McBride Street	*294
		Reelfoot Lake	Northeast of the intersection of Sunkist Road and State Highways 21 and 22.	*287
	Maps available at City Hall, 130 South Court, Tiptonville, Tennessee 38079.			
	Send comments to Mayor James Woods or Mr. Bill Lewis, City Recorder, City Hall, 130 South Court, Tiptonville, Tennessee 38079.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	City of Union City, Obion County	Hoosier Creek	Approximately 300 feet downstream of U.S. Highway 51	*315
		First Creek	Just upstream of Main Street (State Highway 5)	*321
			Just downstream of Cheatham Street	*326
			Just downstream of North Fifth Street	*334
		Grove Creek	Approximately 60 feet downstream of Reelfort Avenue (State Highway 22).	*314
			Just downstream of Main Street (State Highway 5)	*319
		Pursley Creek	Just downstream of Nailing Street (U.S. Highways 51 and 45W)	*323
	Maps available at City Hall, 408 South Depot Street, Union City, Tennessee 38261.			
	Send comments to Mayor Edwin Stone or Mr. Don Thornton, City Manager, City Hall 408, South Depot Street, Union City, Tennessee 38261.			
Wisconsin	(V); Melvina, Monroe County	Little La Crosse River	About 600 feet downstream of Coles Valley Road	*871
			At upstream corporate limits	*885
	Maps available at the Village President's Home, Route #1, Cashton, Wisconsin.			
	Send comments to Mr. Bruce Bernett, Village President, Village of Melvina, Route #1, Cashton, Wisconsin 54619.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804), November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: May 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-16910 Filed 6-4-80; 8:45 am]

BILLING CODE 6718-03-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1050

Procurement Standards

AGENCY: Community Services Administration.

ACTION: Proposed amendment to a rule.

SUMMARY: The Community Services Administration is amending its rule governing grantee procurement standards published in the Federal Register on April 28, 1980. CSA has determined that there is a need for Federal oversight of separate business entities established by its grantees. CSA's goals in proposing this amendment are to assure that the assets of these separate business entities remain in the community, that their hiring and procuring practices are consistent with federal standards, that their activities are subject to public scrutiny and that business-like financial management practices are observed. CSA has determined that, under its published criteria implementing OMB Circular 12044, this amendment is significant.

DATE: CSA welcomes comments on this rule. All comments received on or before August 4, 1980 will be considered in drafting the final amending language.

ADDRESS: Please address all comments to: Ms. Jacqueline G. Lemire, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, Telephone (202) 254–5047, Teletypewriter (202) 254–6218.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline G. Lemire, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, Telephone (202) 254–5047, Teletypewriter (202) 254–6218.

SUPPLEMENTARY INFORMATION: Most grantees funded under Title II of the Economic Opportunity Act also receive funds under other Federal and state programs. With a considerable variation in the duration of grant programs and in allowable purchases of services and property, some CSA grantees have established separate business entities to buy real estate, vehicles, automated data processing equipment and other major equipment and to establish business services such as payroll, consumable procurement, and centralized record-keeping. CSA recognizes that such entities often provide the most efficient means of obtaining needed services, space, and equipment and that a positive value ensues with the accumulation of assets held in a low-income community to be used on its behalf. Since such business entities exist principally because of their special relationship to the parent corporation, they cannot be considered normal Title II economic development projects. Likewise, since virtually all of the funds used to procure services, space, or equipment from such business entities is Federal in origin, the need for Federal oversight of these activities arises. The interest of the Federal government extends only to assuring that the assets remain in the community, that personnel and procurement practices are consistent with Federal standards, that the activities of this entity are subject to public scrutiny, and that business-like financial management practices are observed. These are the goals of this proposed amendment to CSA's procurement rule.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

William W. Allison,

Acting Director.

45 CFR 1050.160 is proposed to be amended by revising § 1050.160–8(a)(12) to read as follows:

§ 1050.160–8 Standard-procedures.

(a) * * *

(12) Any proposed sole source contract, or proposed contract where only one bid or proposal is received by a nongovernmental procuring party, shall be subject to prior approval by the appropriate CSA administering office if the aggregate expenditure of all items procured from the contractor will exceed $5,000 in a 12-month period. In addition, if a proposed contractor, who will be paid with Title II funds provided to the procuring party, does the major

part of his/her business with the procuring party and the contracting firm was established or is controlled by a member or members of the procuring party's staff or board, CSA approval will be based on, but not be limited to, the existence of each of the following: (1) Evidence that the entity is a non-profit corporation whose income and assets would, in event of failure of the parent grantee, continue to be used to benefit low-income individuals; (2) evidence that the hiring and procurement policies of the contracting firm include the same prohibitions against nepotism and conflict of interest as those found in 160–6 of this subpart; (3) the contract contains a provision that the management, financial, and procurement records of the contracting firm must be available to any person for inspection and examination on the same basis as required for private nonprofit grantees; and (4) an audited revenue and expenditures statement and balance sheet dated within the last twelve months has been submitted by the contracting firm; and (5) supporting documentation that the prices being charged are competitive with prices being charged for similar items and/or services by other businesses.

* * * * *

[FR Doc. 80–17104 Filed 6–4–80; 8:45 am]
BILLING CODE 6315–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–240; RM–3432]

FM Broadcast Station in Grover City, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of either Class B Channel 289, or in the alternative, Channel 232A, to Grover City, California, in response to a petition filed by Four Dimensional Radio Company. Either of the proposed assignments would provide a first local aural broadcast service to the community.

DATES: Comments must be filed on or before July 21, 1980, and reply comments must be filed on or before August 11, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Grover City, California), BC Docket No. 80–240, RM–3432.

Adopted: May 21, 1980.
Released: May 28, 1980.

1. *Petitioner, Proposal, Comments.* (a) A petition for rulemaking [1] was filed by Four Dimensional Radio Company ("Petitioner"), proposing the assignment of Class B FM Channel 289 to Grover City, California, as that community's first FM assignment. A letter in support of the proposal was received from Mr. John Trygstad of Nipoma, California.

(b) The channel assignment can be made in compliance with the minimum distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Grover City, in San Luis Obispo County, is located approximately 240 kilometers (150 miles) northwest of Los Angeles, California.

(b) *Population.* Grover City—5,939; [2] San Luis Obispo County—105,690.

(c) *Local Aural Broadcast Service.* None.

3. *Economic Considerations.* Petitioner asserts that Grover City is a part of a rapidly growing area and adds that the community has had a 40% population increase in the past ten years. Petitioner has submitted demographic data in order to demonstrate the need for a first FM assignment to Grover City.

4. *Preclusion Considerations.* Nine communities with populations greater than 1,000 would be precluded on one or more of the following channels: 288A, 289, 291 and 292A, if the proposed channel were assigned. Of these, two communities in California (Guadalupe, pop. 3,145, and Cambria, pop. 1,716) have no AM stations or FM assignments. Petitioner indicates that Class B Channel 293 is available for assignment to Guadalupe. It should state whether a Class A channel is available for Guadalupe and for Cambria.

5. *Additional Considerations.* Wide area Class B channels are not usually assigned to communities the size of Grover City (pop. 5,939). See § 73.206(b)(2) of the Commission's rules. Due to the number of AM and FM assignments in close proximity to Grover City, the proposed assignment would not provide any first or second FM or aural service. However, we are willing to propose the assignment of Channel 289 at Grover City so that petitioner can demonstrate the need for a high-powered facility. Since a need has been expressed for an FM assignment and several Class A channels are available for Grover City, we are also proposing, in the alternative, Channel 232A for assignment to satisfy the needs for a first local aural broadcast service. Petitioner is requested to indicate whether it would apply for a Class A channel if assigned to Grover City.

6. In view of the foregoing, the Commission finds it would be in the public interest to seek comments in rule making. Accordingly, the Commission proposes to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, with respect to the community listed below:

City	Channel No.	
	Present	Proposed
Grover City, California		289
or		
Grover City, California		232A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before July 21, 1980, and reply comments on or before August 11, 1980.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

[1] Public Notice of the petition was given on August 17, 1979, Report No. 1188.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 80-240 RM-3432]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceedings, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-17100 Filed 6-4-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-239; RM-3473]

FM Broadcast Station in Orchard, Nebr.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of Class C FM Channel 287 to Orchard, Nebraska, as that community's first FM assignment, in response to a petition filed by Jerry L. Miller. The proposed channel could provide first and second FM and nighttime aural services to a substantial surrounding area and population as well as a first local aural broadcast service to Orchard.

DATES: Comments must be filed on or before July 21, 1980, and reply comments must be filed on or before August 11, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Orchard, Nebraska), BC Docket No. 80-239, RM-3473.

Adopted: May 21, 1980.
Released: May 28, 1980.

1. *Petitioner, Proposal, Comments.* (a) A petition for rulemaking [1] was filed by Jerry L. Miller ("petitioner"), requesting the assignment of Class C FM Channel 287 to Orchard, Nebraska, as that community's first FM assignment.

(b) The channel can be assigned in compliance with the minimum distance sepration requirements, provided the transmitter site is located approximately 8 kilometers (5 miles) northwest of Orchard.

(c) Petitioner states he will apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Orchard, in Antelope County, is located approximately 225 kilometers (140 miles) northwest of Omaha, Nebraska.

(b) *Population.* Orchard, 467;[2] Antelope County, 9,047.

(c) *Local Aural Broadcast Service.* None.

3. *Economic Considerations.* Petitioner states that Orchard is situated in a corn prodution area. He adds that the entire area surrounding Orchard and Antelope County has been devoted to agricultural use, although employment in manufacturing experienced a significant increase between 1960–1970.

4. Petitioner asserts that Orchard and Antelope County are both located in the center of a vast rural area, far removed from large urban centers. He points out that there is a need for a broadcast facility with broad coverage capabilities in order to survive both economically and to provide broadcast service needed by communities and rural areas in the region. Petitioner states that, although surrounding counties have local service, none are close enough to Orchard to provide viable service to the community on a nighttime basis.

5. *Preclusion Study.* Assignment of Class C Channel 287 to Orchard, Nebraska, would cause preclusion to thirty-three communities with populations greater than 1,000. Of these, twenty-three [3] have no FM assignments. Petitioner indicates that Ainsworth and Cozad, Nebraska, and Redfield, South Dakota, have AM stations. Petitioner should show whether alternate channels are available for assignment to the twenty-three communities without FM assignments.

6. Petitioner states that the proposed channel would provide a first FM service to 9,793 persons in a 4,264 square kilometer (1,666 square miles) area, second FM service to 8,543 persons in a 3,018 square kilometer (1,179 square miles) area, first nighttime aural service to 3,860 persons in a 2,122 square kilometer (829 square miles) area, and a second nighttime aural service to 6,828 persons in a 2,828 square kilometer (1,105 square miles) area.

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[1] Public Notice of the petition was given on September 19, 1979, Report No. 1192.

[2] Population figures are taken from the 1970 U.S. Census.

[3] *Nebraska*: Bloomfield (1,287) (Channel 288A), Creighton (1,461) (Channel 288A), Hartington (1,581) (Channel 288A), Randolph (1,130) (Channel 288A), Plainview (1,494) (Channel 288A), Neligh (1,764) (Channel 288A), Albion (2,074) (Channel 288A), Burwell (1,341) (Channels 285A, 287, 288A), Atkinson (1,406) (Channels 285A, 287, 288A), Cozad (4,219) (Channel 286), Gothenburg (3,154) (Channels 286, 287), Fullerton (1,444) (Channel 288A), Pierce (1,360) (Channel 288A), Ainsworth (2,073) (Channels 286, 287, 288A), Cambridge (1,145) (Channel 287), Curtis (1,186) (Channel 287); *South Dakota*: Ft. Pierre (1,448) (Channel 287), Highmore (1,173) (Channel 287), Miller (2,148) (Channel 287), Redfield (2,943) (Channel 287), Platte (1,351) (Channel 286), Chamberlain (2,626) (Channel 286), Wessington Springs (1,300) (Channel 286).

7. Based on our examination of petitioner's proposal, there appears to be a basis for considering an exception to our general policy of assigning Class C channels only to larger communities. Since the proposed assignment of an FM channel could provide for a first local aural broadcast service to the community in addition to rendering significant first and second FM and nighttime aural services to the surrounding area, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the community listed below, as follows:

City	Channel No.	
	Present	Proposed
Orchard, Nebraska		287

8. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before July 21, 1980, and reply comments on or before August 11, 1980.

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 80-239 RM-3473]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceedings, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquartes, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-17101 Filed 6-4-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 40]

Consumer Information Regulations, Uniform Tire Quality Grading

Correction

In FR Doc. 80-15827, appearing on page 35408, in the issue of Tuesday, May 27, 1980, make the following correction:

On page 35409, the last line of "Table 1" reading "of tire road" should have read "of tire load".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atomospheric Administration

50 CFR Part 661

Caribbean Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Hearings.

SUMMARY: The Caribbean Fishery Management Council will hold public hearings for the purpose of receiving public comments on the Draft Environmental Impact Statement/Fishery Management Plan/Regulatory Analysis for Spiny Lobster resources.

DATES: Written comments on the plan from members of the public may be submitted no later than July 14, 1980.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

U.S. Virgin Islands:

June 26, 1980—St. John, U.S. Virgin Islands.
June 27, 1980—St. Thomas, U.S. Virgin Islands.
June 30, 1980—St. Croix, U.S. Virgin Islands.

All of the above hearings will start at 7:00 p.m. and adjourn at or about 10:00 p.m.

Commonwealth of Puerto Rico:

July 1, 1980—San Juan, Puerto Rico.
July 2, 1980—Fajardo, Puerto Rico.
July 3, 1980—Salinas, Puerto Rico.
July 7, 1980—Arecibo, Puerto Rico.
July 8, 1980—Humacao, Puerto Rico.
July 9, 1980—Cabo Rojo, Puerto Rico.
July 11, 1980—Vieques, Puerto Rico.

All of the above hearings will start at 3:00 p.m. and adjourn at or about 6:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Chairman, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00819.

HEARING LOCATIONS:

U.S. Virgin Islands:

June 26, 1980—Cafeteria of Public School, Cruz Bay, St. John, U.S. Virgin Islands.
June 27, 1980—Conference Room V.I. Legislature, First Floor, St. Thomas, U.S. Virgin Islands.
June 30, 1980—Public Library, Christiansted, St. Croix, U.S. Virgin Islands.

Commonwealth of Puerto Rico:

July 1, 1980—Conference Room, Puerto Rico Ports Authority, Isla Grande, San Juan, Puerto Rico.
July 2, 1980—Rotary Club, Barrio Qubrada Vuelta, Fajardo, Puerto Rico.
July 3, 1980—Club "Salinas", Salinas, Puerto Rico.
July 7, 1980—Club Nautico de Arecibo, Bo. Islote, Arecibo, Puerto Rico.
July 8, 1980—University of Puerto Rico, Humacao Campus Humacao, Puerto Rico.
July 9, 1980—Lion's Club, Bo. Bajuras, Cabo Rojo, Puerto Rico.
July 11, 1980—Restaurant "Cerromar", Bo. Puerto Real, Vieques, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, (809) 753-4926.

SUPPLEMENTARY INFORMATION: The hearings will deal with a proposal to implement a fishery management plan for spiny lobster (*Panulirus argus*) in the fishery conservation zone of the Caribbean, under the authority of the Fishery Conservation and Management Act of 1976 (FCMA).

The Environmental Impact Statement is a review of the plan and a statement of its expected impacts. The implementation of this fishery managment plan is a major Federal action significantly affecting the human environment and requires the approval of the Secretary of Commerce.

The final plan for spiny lobsters, when approved, will serve to manage this species for optimum yield (OY) and, therefore, contains regulatory measures applicable to domestic fishing. The mangement area is the fishery conservation zone of the Caribbean.

Species addressed in this draft plan include only the Caribben spiny lobster, *Panulirus argus.*

The plan is intended to accomplish the following objectives:

1. Provide for biological conditions consistent with the ability to achieve a maximum sustainable yield (MSY);
2. Promote economic efficiency of the commercial fishery;
3. Provide for the social and cultural needs of Puerto Rico and U.S. Virgin Islands citizens;
4. Provide biologic, economic, and social data bases for future management of the resource; and
5. Reduce the loss of the resource which is associated with "ghost" or "drowned" or "lost" traps due to ship traffic, pilfering, thievery, displacement by currents and other reasons.

OY was determined to be: All the "non-berried" lobsters in the management area having a carapace length (CL) of 3.5 inches or greater. This amount is expected to range between the current catch of 700,000 lbs. and the MSY of 830,000 lbs. annually.

Since OY is all "non-berried" lobsters with a CL of 3.5 inches or greater, the 830,000 estimate does not represent an upper limit and may be exceeded in any given year without resultant damage to the resource. This size limitation ensures that most lobsters have reproduced at least once before entering the fishery, and coupled with other proposed measures should provide an adequate safeguard against biological overfishing, and also provide for optimal use by all user groups. There is no surplus available and no foreign catch will be allowed.

The Council proposes management measures which include the following:

1.0 Size and Sex Restrictions—

1.1 Make unlawful the possession of, while on or above the surface of the water or land, any lobster of the species *Panulirus argus* which has a carapace length of less than 3.5 inches (88.9 mm), which was taken contrary to the provisions of this plan.

1.2 Make unlawful the possession of, while on or above the surface of the water, any "berried" (gravid or egg bearing) lobster of the species *Panulirus argus* which was taken contrary to the provisions of this plan.

1.3 Make unlawful the practice of stripping or otherwise molesting egg-bearing ("berried") spiny lobsters to remove the eggs.

1.4 Allow the retention of small (less than legal size) lobsters, alive, as an "attractor" in traps or pots, but only in traps or pots in which they were originally captured.

1.5 Allow the retention of egg-bearing ("berried") female lobsters in the same pot or trap in which they were caught until the eggs are shed.

1.6 Require that spiny lobsters remain whole while on or below the surface of the water. The Secretary should recommend that Territorial and Commonwealth governments prohibit the importation of tails less than 6 inches in length.

2.0 Sanctuaries (Recommendations to National Park Service)—

2.1 Make unlawful the taking of lobsters of the species *Panulirus argus* or the possession of any lobsters taken in the waters of the Virgin Islands National Park from a point due north of the west end of Mary Point southwest to the Visitors Center in Cruz Bay.

2.2 Require the return to the water of lobsters of the species *Panulirus argus* which are captured as an incidental catch in traps in the waters of the Virgin Islands National Park as described above.

3.0 Data Collection—

3.1 Require the reporting of catch and effort information through the improvement of the existing data collection system.

4.0 Gear Restrictions—

4.1 Require a self-destruct panel and/or self-destruct door fastenings on traps and pots.

4.2 Require owner identification and markings of traps, pots, buoys, and boats.

4.3 Prohibit the use of poisons, drugs or other chemicals for the taking of spiny lobsters.

4.4 Prohibit the use of spears, hooks, explosives or similar devices for the taking of spiny lobsters. Capture by hand, snare, net, trap or pot is allowed.

This is a multi-year plan and will be monitored by the Council after implementation. Changes in numerical estimates and carapace length requirements or other management measures may be made by the Secretary of Commerce through the Regulatory Amendment process after consultation with the Council and a reasonable opportunity for public comment.

Dated: June 2, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-17123 Filed 6-4-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 110
Thursday, June 5, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Interest Rates Awarded in Reparation Proceedings; Policy Change

AGENCY: Office of the Secretary.

ACTION: Final Determination.

SUMMARY: The U.S. Department of Agriculture is revising the rate of interest to be applied to reparation awards issued under the Perishable Agricultural Commodities Act and the Packers and Stockyards Act.

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION CONTACT: J.D. Flanagan, Head, Complaint Section, Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, (202) 447–3212.

SUPPLEMENTARY INFORMATION: Notice of proposed change in the rate of interest to be provided in addition to payment of damages awarded under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a et seq.), and the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), was published in the **Federal Register** of March 26, 1980, (45 F.R. 19590). The notice afforded interested persons opportunity to submit written comments regarding the proposal not later than May 1, 1980. No comments were received.

It is hereby announced that on and after the effective date, all reparation orders issued under the Perishable Agricultural Commodities Act, 1980, as amended and under the Packers and Stockyards Act, 1921, as amended, will provide for payment of interest at the rate of 13 percent per annum in addition to the payment of damages.

Dated: June 2, 1980.

Donald A. Campbell,

Judicial Officer.

[FR Doc. 80-17124 Filed 6-4-80; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended May 30, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
May 28, 1980	38232	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment of its Certificate of Public Convenience and Necessity for Route 1 so as to authorize it to perform round trip nonstop air transportation between Chicago, Illinois and Tucson, Arizona. Conforming Applications and Answers may be filed by June 25, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17107 Filed 6-4-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-5-226; Agreement CAB 2698, R-41 et al.]

Conditions of Carriage—Cargo; Order Granting Petition

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of May, 1980.

Agreements adopted by the International Air Transport Association regarding conditions of carriage—cargo, Agreement CAB 2698, R–41; Agreement CAB 2699, R–49; Agreement CAB 2700, R–43; Agreement CAB 3119; Agreement CAB 7648, R–107; Agreement CAB 24475, R–4 and R–5, Docket 25280; Agreement CAB 25186, R–12, Docket 27573; Agreement CAB 25954, R–1, R–2, and R–3, Docket 27573; Agreement CAB 26701, R–9; Agreement CAB 27886, R–3.

By telegram, Mexicana Airlines has requested an extension of the stay granted in Order 80–1–170, which deferred implementation of the effective date of the new air waybills containing the revised IATA conditions of carriage from January to May 15, 1980.

Mexicana asserts that it has a modest stock of approximately 5,000 old air waybills in the hands of major cargo agents. Therefore, it requests an additional 30 days extension to the waiver to continue use of its old air waybills in conjunction with notification to shippers of the revised conditions of carriage.

We will grant the petition.

As the carrier proposes to continue the notice requirement contained in Order 80–1–170, we find the public will receive both the benefit of the newly revised conditions of carriage and adequate notice of these more liberal conditions of carriage. We will, therefore, grant the extension requested

by Mexicana Airlines through June 15, 1980.

Accordingly,

1. We grant the petition of Mexicana Airlines for a stay of Order 79–7–166 effective through June 15, 1980.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–17108 Filed 6–4–80; 8:45 am]

BILLING CODE 6320–01–M

[Order 80–5–49; Docket 36592, Agreement CAB No. 1041, as amended]

All American Aviation, Inc. et al.; Order; Erratum

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of May, 1980.

The following should be removed from the service list set forth in Order 80–5–49: charter carriers and Part 298 carriers.[1]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–17106 Filed 6–4–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 38046; Order 80–5–201]

Pennsylvania Commuter Airlines, Inc.; Application for Compensation for Losses at Clearfield-Philipsburg, Pa; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of May, 1980

On June 20, 1979, USAir, Inc., filed a notice under section 401(j)(1) and 401(j)(2) of the Federal Aviation Act of 1958, as amended, of it intent to terminate service witin 90 days (on September 18, 1979) at Clearfield-Philipsburg, Pennsylvania. Since 1973, USAir has been suspended at Clearfield-Philipsburg on condition that Pennsylvania Commuter Airlines (PCA) provide replacement service there as an Allegheny Commuter. PCA became the only air carrier serving Clearfield-Philipsburg through the Midstate Airport. On July 24, 1979, PCA filed a notice under section 419(a)(3)(B) of the Act and Part 323 of the Board's Procedural Regulations of its intent to terminate service Clearfield-Philipsburg on September 18, 1979. By Order 79–10–61, issued October 10, 1979, and succedding orders, the Board extended PCA's obligation to provide service at Clearfield-Philipsburg for successive 30-day periods.

[1] See 45 FR 31453, May 13, 1980.

On April 16, 1980, PCA filed an application for compensation for losses incurred in providing service at Clearfield-Philipsburg. The carrier requests compensation of $83,818.82 for the period September 19 through December 31, 1979. According to PCA, revenues allocated to service at Clearfield-Philipsburg amounted to approximately $80,929.10, while, based partly on monthly unit costs experienced during the period and partly on year ended November 30, 1979, unit costs, expenses were approximately $164,747.92, for an operating loss of $83,818.82. These figures include an allowance for interest expense, but no return element.

Upon examination of PCA's filing, we believe that the appropriate interim rate of compensation is $83,819 for the period September 19 through December 31, 1979, and we will set PCA's interim level of compensation at that rate. For monthly periods beginning January 1, 1980, we believe that the appropriate interim rate of compensation is $157 per essential air service flight completed, subject to certain limits specified below.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002 thereof, and the regulations promulgated in 14 CFR 324;

1. We set the interim level of compensation for losses sustained by Pennsylvania Commuter Airlines, Inc., by virtue of its provision of essential air service to Clearfield-Philipsburg, Pennsylvania, at $83,819 for the period September 19 through December 31, 1979;

2. We set the interim level of compensation for losses sustained by Pennsylvania Commuter Airlines, Inc., at $157 per flight completed in essential air service for monthly periods beginning January 1, 1980, subject to a maximum compensation of $942 per day that essential air service is performed, subject further to a maximum compensation of $23,594 per 28-day month, $25,279 per 30-day month, and $26,122 per 31-day month that essential air service is performed;

3. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate established here; and

4. We will serve copies of this order on Pennsylvania Commuter Airlines, Inc.

This order shall be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor [1]

Secretary.

[FR Doc. 17105 Filed 6–4–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 37575]

Central Zone-Caracas/Maracaibo Venezuela Case; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended that a hearing in the above-entitled proceeding will be held on June 30, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

The order or presentation and of cross-examination will be the civic parties, in alphabetical order, followed by the applicants, in alphabetical order, and the Bureau of International Aviation.

For information concerning the issues involved and other details in this proceeding, interested persons are refered to the Prehearing Conference Report, served on April 18, 1980, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 30, 1980.

Henry M. Switkay,

Administrative Law Judge.

[FR Doc. 80–17109 Filed 6–4–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Textiles and Textile Mill Products From Pakistan; Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that the Department of Commerce has determined that the Government of Pakistan has given benefits which constitute subsidies within the meaning of the countervailing duty law on the manufacture, production, or exportation of certain textile and textile mill products. The Department is notifying the U.S. International Trade Commission of this action so that it may complete its investigation of whether

[1] All members concurred.

there is injury or likelihood of injury to a domestic industry. This notice is published pursuant to section 705(d) of the Act (19 U.S.C. 1671d) and § 355.33, Commerce Regulations, (19 CFR 355.33).

EFFECTIVE DATE: June 5, 1980.

FOR FURTHER INFORMATION CONTACT: Donald W. Eiss, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230; telephone (202–377–4412).

SUPPLEMENTARY INFORMATION:

Procedural Background: On July 20, 1979, the Treasury Department published in the **Federal Register** a notice of "Initiation of Countervailing Duty Investigation and Preliminary Determination" in this case. By this action Treasury reopened an earlier countervailing duty investigation of certain Pakistani textile and textile mill products which had been concluded on July 13, 1979 with the issuance of a final affirmative countervailing duty determination. The reopening of that proceeding was necessary to permit investigation of a program discovered too late in the original investigation to be included in the initial final determination. Given the size of the possible subsidy involved (7.5 percent—12.5 percent *ad valorem*), and the fact that the program was introduced specifically to promote Pakistani textile exports, a simultaneous preliminary affirmative determination was issued.

On January 1, 1980, the Trade Agreements Act of 1979 (Pub. L. 96–39; 93 Stat. 144, 190) (the "TAA") amended section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Section 303 applies to countervailing duty investigations involving all countries not party to the Agreement on Subsidies and Countervailing Measures. Pakistan was not a party to the Agreement at that time. Section 303(b), as amended by section 103 of the TAA, requires the suspension of liquidation of all entries and the posting of a cash deposit, bond or other security in an amount equal to the estimated net subsidy at the time of a preliminary determination. Accordingly, on February 27, 1980, the Commerce Department published a notice in the **Federal Register** suspending liquidation and requiring a bond on all entries of Pakistani men's and boys' apparel and textile mill products of cotton made on or after January 1, 1980, the effective date of the TAA.

On March 17, 1980, the U.S. Trade Representative's Office informed the Commerce Department on behalf of the President that Pakistan had become a "country under the Agreement" as defined in section 701(b) of the Act (93 Stat. 151, 19 U.S.C. 1671(b)). Therefore, the provisions of Title VII of the Tariff Act of 1930 became applicable to this pending countervailing duty investigation. Section 102 of the TAA (93 Stat. 189, 19 U.S.C. 1671 note) provides that upon the effective date of the application of Title VII of the Tariff Act of 1930 with respect to a country, any pending investigation under section 303 of the Act shall terminate. In investigations where a preliminary, but not a final determination was made under section 303, the matter is to be treated as if a preliminary determination under section 703 of the Tariff Act of 1930 (93 Stat. 152, 19 U.S.C. 1671b), had been made on the date of application of Title VII to that country.

In the instant case, therefore, the preliminary affirmative determination and the suspension of liquidation under section 303(b) were terminated and this Department pubished an affirmative "Preliminary Countervailing Duty Determination" in the **Federal Register** on March 26, 1980 (45 FR 19593), with liquidation of entries suspended effective March 17, 1980. We simultaneously referred the case to the U.S. International Trade Commission for an injury determination.

The Subsidy Program for Textiles and Textile Mill Products: For purposes of this notice, "textiles and textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and man-made fibers as specified in U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) set forth in the appendix to the **Federal Register** notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the appendix to the same **Federal Register** notice. Because Pakistan only exports cotton textile products to the U.S., this determination applies only to merchandise under consideration made of cotton.

The program under investigation involves cash rebates paid by the Government of Pakistan on the exportation of textile products. The export cash rebate varies from 7.5 percent to 12.5 percent of the f.o.b. value of the export, depending on the product. The Government of Pakistan has argued that the program is not an export subsidy because it is designed mainly to offset indirect taxes and other imposts that are levied on the final product and the physical inputs to those products which are not otherwise rebated upon export. In the course of the investigation the U.S. Government did verify from Pakistani documents the rebate levels for the products under investigation.

The non-excessive refund of indirect taxes levied on exported products and their components is not a subsidy. The legislative history of the Trade Agreements Act of 1979 indicates that Congress was concerned about the Treasury Department practice of offsetting the amount of any non-rebated indirect taxes paid by the exporter from any gross subsidy for exported products (S. Rep. No. 96–249, July 17, 1979, at 86). To limit this practice, the TAA added section 771(6) of the Tariff Act of 1930, which set forth the items that could be offset against gross subsidies. The purpose was, in part, to reverse the practice of allowing as offsets the amount of indirect taxes which could have been, but were not, rebated. However, the Senate Report at 84–5 explains 771(6) and states quite clearly that the limitations on offsets

> "contained in section 771(6) of the Act are not intended to prohibit the administering authority from determining that export payments are not subsidies, if those payments are reasonably calculated, are specifically provided as non-excessive rebates of indirect taxes within the meaning of Annex A of the Agreement and are directly related to the merchandise exported."

The Department has published administrative guidelines (19 CFR 355 Annex 1, para. 2, 45 FR 4949) for determining when the payment of a lump sum calculated and identified as a non-excessive rebate of an indirect tax on an exported product or its components is not a subsidy. The guidelines state that the foreign government must reasonably have calculated and documented the actual indirect tax incidence borne by the product under investigation and have demonstrated a clear link between the export payment and the tax incidence. *Ex post facto* rationalizations of export payment programs will not be accepted. The foreign government must present information that demonstrates to the Department's satisfaction (a) that indirect taxes paid have served as the official basis upon which the export rebate was calculated and (b) that there is, in fact, the requisite link between the export payment and the indirect tax incidence.

In this case, the Government of Pakistan has not submitted information demonstrating the necessary link between the export payment and the tax incidence. Therefore, we have determined that the export cash rebate

program of the Government of Pakistan does constitute a subsidy within the meaning of section 771(5) of the Act (19 U.S.C. 1677). The subsidy amounts are: (1) cotton yarn—7.5 percent; (2) grey cloth—10.0 percent; and (3) other cloth, thread, hosiery, towels, garments and made-ups—12.5 percent. We are notifying the U.S. International Trade Commission of this action.

Robert Herzstein,

Under Secretary for International Trade.

May 30, 1980.

[FR Doc. 80-17062 Filed 6-4-80; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit

Correction

In FR Doc. 80-16488, appearing on page 36466, in the issue for Friday, May 30, 1980, in the middle column, in item "3. Name and Number of Animals", after "California sea lion (Zalophus californianus)" insert ":2.".

BILLING CODE: 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the Soybean Futures Contract of the Chicago Board of Trade

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, section 12, 92 Stat. 871 (1978), has determined that the proposed amendments to rule 1036.00 of the Chicago Board of Trade, concerning soybean delivery grade differentials, are of major economic significance. These amendments offer the potential of altering the pricing and hedging characteristics of the contract. The proposed amendments allow an additional grade of No. 3 yellow soybeans to be deliverable at a discount of 4 cents per bushel where all grade factors (except foreign matter) are equal to No. 2 soybeans or better. In addition, the deliverable discount on No. 3 yellow soybeans (14% or less of moisture) is raised from 3 to 8 cents per bushel under the contract price.

The amendments to rule 1036.00 concerning soybean delivery grade differentials are printed below showing deletions in brackets and additions underscored:

Soybean Differentials

U.S. No. 1 Yellow Soybeans * * * * * at 3 cents per bushel under contract price.

U.S. No. 2 Yellow Soybeans * * * * * at contract price.

U.S. No. 3 Yellow Soybeans * * * * * at 4 cents per bushel under contract price.*

U.S. No. 3 Yellow Soybeans (14% or less moisture) * * * * * at [3] *8* cents per bushel contract price.

Any person interested in submitting written data, views, or arguments on these rules should send his comments by July 7, 1980. 1980 to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581.

Issued in Washington, D.C., on May 30, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-17045 Filed 6-4-80; 8:45 am]

BILLING CODE 6351-01-M

COMMUNITY SERVICES ADMINISTRATION

[Public Law 95-454]

Change in Listing of Personnel Serving as Members of the Senior Executive Service Performance Review Boards; Submission

AGENCY: Community Services Administration.

ACTION: Change in listing of personnel serving as members of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Public Law 95-454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is a change in name of persons serving as members of this Agency's PRB which appeared in the **Federal Register**, Vol. 45, No. 32, pg. 9966 dated February 14, 1980. The name of R. Thomal Rollis, Controller, Office of Management (see item #15 in Vol. 45, No. 32) who recently left this Agency is replaced with Curtis W. Christensen, Controller, Officer of Management.

FOR FURTHER INFORMATION CONTACT: Mary P. Valentino, (Executive Secretary, PRB), Director of Personnel, (202) 254-6170.

William W. Allison,

Acting Director.

[FR Doc. 80-16802 Filed 6-4-80; 8:45 am]

BILLING CODE 6315-01-M

*All factors equal to U.S. No. 2 grade or better (including test weight; moisture; splits; heat damage; brown, black and/or bicolored soybeans in yellow soybeans) except foreign material (maximum 3%). Unless the designation "All factors equal to No. 2 except FM" appears on the face of the receipt, the grade will be considered U.S. No. 3 yellow soybeans (14% or less moisture) at 8 cents per bushel under contract price.

COUNCIL ON WAGE AND PRICE STABILITY

Pay Advisory Committee; Meeting

Authority of Committee: The Pay Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

Time and Place of Meeting: The Pay Advisory Committee will meet on June 18, 1980, at 2:00 p.m. in Room 474 of the Old Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20503. Because admittance to the Old Executive Office Building is subject to pre-arranged clearance, everyone wishing to attend this meeting should call Cheryl Bailey at 456-6210 no later than 5:00 p.m. on June 17, 1980. Attendees should report to the 17th Street entrance at least 15 minutes prior to the meeting on June 18 to be cleared through Security.

Further meetings of the Pay Advisory Committee have been scheduled for July 15 and August 8, 1980, at 2:00 p.m. Room 2008 of the New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503, has been reserved for these meetings.

Purpose of the Meeting: The purpose of the meeting(s) will be to continue unfinished business from the Committee's earlier meetings.

Public Participation: The meeting of the Pay Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street NW., Washington, D.C. 20506.

Additional Information: For additional information, please telephone the Office of Public Affairs at (202) 456-6756.

Dated: May 29, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80-17087 Filed 6-4-80; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Intent To Prepare Draft Environmental Impact Statement for Proposed Construction of Channel Improvements for Navigation in Duwamish Waterway on Elliott Bay in Seattle, Wash.

AGENCY: U.S. Army Corps of Engineers, Seattle District.

ACTION: Preparation of a draft environmental impact statement (DEIS) for proposed construction of channel improvements for navigation in the Duwamish Waterway on Elliott Bay in Seattle, Washington.

SUMMARY:

1. *Description of Action.* The current navigation improvement study was authorized by the Senate Public Works Committee on May 18, 1956. Preliminary studies conducted in 1970 through January 1974 determined that extension of the Duwamish Waterway was economically justified if the Spokane Street Highway Bridge was replaced by local interests. This bridge replacement had been under consideration by city and state authorities for several years. The bridge replacement funding situation was resolved when the city of Seattle received emergency Federal funding to replace the Spokane Street Bridge after it was damaged by a freighter on June 11, 1978. The navigation study was reactivated on October 1, 1978 in response to a request from the Port and city of Seattle. The study is now entering its detailed stage based on preliminary results of the 1970 study.

2. *Preferred Alternative.* Currently, the preferred alternative calls for the deepening and widening of the East, West, and Duwamish Waterways to allow improved ship navigation to First Avenue South and improved barge navigation to the present head of navigation. This would require the initial removal of approximately 8.9 million cubic yards (c.y.) of material and the annual maintenance dredging of about 200,000 c.y. of material. Dredging would be by clamshell dredge, and the dredged material would be transported by barge to designated upland or open-water disposal sites. A range of channel sizes will be analyzed for each section. These improvements are expected to require the replacement of the Spokane Street Highway Bridge and the Burlington Railroad Bridge to allow for approximately a 250-foot horizontal clearance and a 140-foot vertical clearance.

3. *Other Alternatives.* Alternatives considered in the 1970 study include: (a) No action, (b) widening and deepening for ship traffic to Eighth Avenue South and for barge traffic to the head of navigation, (c) widening and deepening for ship traffic to 14th Avenue South and for barge traffic to the head of navigation, and (d) widening and deepening for barge traffic to Tukwila. These alternatives would be reevaluated during detailed studies.

a. *No Action.* This alternative would preclude enlargement of the current Federal navigation channel by the Corps of Engineers. Direct and indirect environmental impacts would be minimized. Lack of navigation improvements may encourage development of other areas in Puget Sound.

b. *Eighth Avenue South.* The second alternative would modify the existing channel to Eighth Avenue South which would allow ship traffic up to the Eighth Avenue South Bridge. Modifications of the existing First Avenue South Bridge and the Burlington Northern Railroad Bridge would be necessary. Public comments on this alternative have been minimal.

c. *Fourteenth Avenue South.* This alternative would widen the lower reaches of the Duwamish Waterway to 250 feet to allow ship traffic to 14th Avenue South. Currently, the industries located along the 200-foot-wide navigation channel are directly adjacent to the water's edge. Widening would necessitate extensive relocations of these industries. Modifications of the Burlington Northern Railroad Bridge and the First Avenue South Bridge would be required. Public comments on this alternative have primarily come affected industries.

d. *Tukwila.* The fourth alternative would extend navigation by barge traffic to Tukwila. Locks would probably be required to lift barge traffic upriver and alteration or replacement of at least eight bridges would be necessary. This alternative has been studied in the past by both the Corps and the Port of Seattle and was opposed by the Tukwila Planning Commission, the Valley Industrial Commission, and others in a public meeting in January 1961.

4. *Public Involvement.* In the 1970 study, five successive brochures were mailed to interested individuals, agencies, organizations, and industries to keep them appraised of study efforts. Three public meetings were held between 1970 and 1972. Currently, the first of several study newsletters is being distributed and comments on the study are being solicited. Further information will be sent out to those who request it. In addition, an interagency task force will review environmental studies related to the project. In late 1981 or early 1982 the DEIS is scheduled to be circulated to the public for comment. A final public meeting to hear comments on the draft report and DEIS will be held following circulation of the DEIS.

5. *Significant Issues.* Major environmental concerns to be analyzed in the study include loss of fish and wildlife habitat, water quality, disposal of polluted dredged material, various land use concerns, and effects of project on salmonid migration.

6. *Other Environmental Review and Consultation Requirements.* A detailed physical, chemical, and biological analysis of sediment quality in the study area will be performed. The results of this analysis will be presented in a Section 404(b) evaluation and included in the DEIS. A study of the effects of a larger channel on Duwamish River water quality will be incorporated in the DEIS as well as studies on fish and wildlife habitat and juvenile salmonid outmigration. A cultural resources reconnaissance of the project area will be conducted and results discussed in the DEIS.

7. *DEIS Availability:* The DEIS for Seattle Harbor Navigation Improvement Study should be available for review in December 1981 or early 1982.

ADDRESS: Questions and/or comments on this proposed action and DEIS should be directed to: Ms. Lloyd Eagan, Environmental Resources Section, U.S. Army, Corps of Engineers, Post Office Box C-3755, Seattle, Washington 98124. TEL: (206) 764-3624 (FTS 399-3624).

Dated: May 30, 1980.

Leon K. Moraski,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-17059 Filed 6-4-80; 8:45 am]

BILLING CODE 3710-GB-M

DEPARTMENT OF EDUCATION

National Advisory Council on Ethnic Heritage Studies

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a

forthcoming meeting of the National Advisory Council on Ethnic Heritage Studies. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463 Sec. 10(a)(2)). The document is intended to notify the general public of their opportunity to attend.

DATE: June 24, 1980, 9 a.m. to 4 p.m.; June 25, 1980, 9 a.m. to 4 p.m.; June 26, 1980, 9:30 a.m. to 1:30 p.m.

ADDRESS: Federal Office Building 6, Room 3000 (large conference room) 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence E. Koziarz, Director, Ethnic Heritage Studies Program (ROB–3, Room 3928), Washington, D.C. 20202 (202/245–9506).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies is established by Section 956 of the Elementary and Secondary Education Act of 1965 as added by the Education Amendments of 1972 (Pub. L. 92–318) and amended by the Education Amendments of 1978 (Pub. L. 95–561). The Council is directed to:

Advise the Secretary and the Assistant Secretary for Educational Research and Improvement on the implementation of Part E of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

The Council shall advise concerning matters of general policy arising from the administration of programs authorized by Part E of the Title IX of the Elementary and Secondary Education Act of 1965 and shall perform specific functions as follows:

(a) Make recommendations to the Secretary and the Assistant Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development; (b) suggest innovations to meet program needs or otherwise improve ethnic heritage studies; (c) suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required for substantial intercultural curriculum materials development; (d) provide such administrative and legislative proposals as may be appropriate; (e) not later than June 30 of each year, submit to the Congress a report of its activities, findings and recommendations.

The Proposed Agenda Includes:

Swearing in of new members;

Orientation to advisory council functions;

Organization of committees;

Review of Program Regulations;

Setting dates, time and agendas for future meetings; and

Other business as determined by the council.

Records shall be kept of all Council proceedings, and shall be available for public inspection in Room 3928, ROB#3, 7th and D Streets, S.W. Washington, D.C. 20202.

Signed at Washington, D.C., May 29, 1980.

Lawrence E. Koziarz,

Director, Ethnic Heritage Studies.

[FR Doc. 80-17119 Filed 6-4-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF ENERGY

Proposed Order of Disallowance to Atlantic Richfield Co.

AGENCY: Department of Energy (DOE).

ACTION: Notice of Proposed Order of Disallowance and Opportunity for Aggrieved Persons to Object.

SUMMARY: The Office of Special Counsel for Compliance of the Department of Energy (OSC) hereby gives the notice required by 10 CFR 205.192 that it issued a Proposed Order of Disallowance to Atlantic Richfield Company (ARCO) on May, 1980, and that any aggrieved person may file a Notice of Objection to the Proposed Order of Disallowance in accordance with 10 CFR 205.193 on or before June 20, 1980.

The Proposed Order of Disallowance

ARCO, which is headquartered at 515 South Flower Street, Los Angeles, California 90071, is a refiner subject to the allowable cost passthrough calculations and transfer pricing rules of 10 CFR 212.83 and 212.84. These regulations are used to determine, among other things, the proper measurement of costs of crude oil imported by a firm through its foreign affiliates.

In April 1977, the Federal Energy Administration (FEA) isued a Notice of Proposed Disallowance to ARCO alleging that the firm had overstated its costs with respect to interaffiliate imported crude oil transactions by approximately $50.2 million for the period October 1973 through May 1975.

In December 1977, the Office of Special Counsel for Compliance was created within the Department of Energy. In February 1978, the responsibility for the transfer pricing program was transferred from the Office of Enforcement, Economic Regulatory Administration, to the OSC. In subsequent meetings and correspondence between the OSC and ARCO, the amount was adjusted to approximately $49.5 million in recognition of misreported information. The Proposed Order requires ARCO to reduce its costs for the period October 1973 through May 1975 by $49,500,459.26, and to determine whether its selling prices for petroleum products were excessive as a result.

Submission of Objection

Aggrieved persons may object to this Proposed Order of Disallowance by filing a "Notice of Objection to the Proposed Atlantic Richfield Company, Order of Disallowance." The Notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with:

Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461.

The Notice must be filed, in duplicate, by 4:30 p.m. EDT on June 20, 1980, or the first Federal workday thereafter if the fifteenth day falls on a weekend or holiday. In addition, a copy of the Notice of Objection must, on the same day as filing, be served on ARCO and on each of the following persons, pursuant to 10 CFR 205.193(c):

Leslie Wm. Adams, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Ave., N.W., Mail Stop 2140, Washington, D.C. 29461.

Assistant General Counsel for Administrative Litigation, Department of Energy, Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Copies of Proposed Order

Copies of the Proposed Order of Disallowance to ARCO, with confidential information deleted, may be received, free of charge, by written or oral request to:

Leslie Wm. Adams, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Avenue, N.W., Mail Stop 2140, Washington, D.C. 20461. Telephone 202–633–8292.

Copies of the Proposed Order of Disallowance may also be obtained from:

Freedom of Information Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, Washington, D.C. 20585.

Issued in Washington, D.C., this 15th day of May 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-17121 Filed 6-4-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order to Atlantic Richfield Co.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Atlantic Richfield Company and Opportunity for Objection.

SUMMARY: Pursuant to 10 CFR 205.192(c) the Office of Special Counsel (OSC) of the Department of Energy (DOE), gives notice that a Proposed Remedial Order (PRO) was issued on May 15, 1980 to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90017, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR § 205.193 on or before June 20, 1980.

The Proposed Remedial Order

By this PRO, OSC sets forth findings of fact and conclusions of law concerning ARCO's treatment of the costs of import fees and duties in calculating increased product costs under the refiner price rules in 10 CFR, Part 212, Subpart E between August 20, 1973 and December 31, 1977. ARCO is charged with overstating its increased costs of crude oil by $57.6 million in violation of 10 CFR 212.82, 212.83, and 212.126(b). Specifically, ARCO is charged with violating these regulations with the following practices.

1. Retroactively revising its reported costs in September 1977 so as to include non-existent fee costs for fee-free oil import licenses (Regulations describing fee-free and fee-paid import licenses are codified in 10 CFR 213.1 *et seq.*);

2. Failing to treat credits for customs duties paid (as provided in 10 CFR 213.35(d)(2)) as reducing its actual costs of import fees payable when reporting product costs from January 1976 onward;

3. Failing to include refunds of previously paid supplemental fees and customs duties in its calculations of product costs.

As a remedy, ARCO is directed to recompute its product costs for the time in question, including only actual costs and including cost reductions.

Copies of Proposed Order

A copy of the Proposed Remedial Order, with confidential information delted, may be obtained free of charge by written request from: George W. Young, Jr., Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies may be obtained in person from the reading room, Forrestal Building, Room GA-152.

Submission of Objection

Aggrieved persons may object to this Proposed Remedial Order by filing a "Notice of Objection to the Proposed Atlantic Richfield Company, Remedial Order". The Notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461.

The Notice must be filed, in duplicate, by 4:30 p.m. EDT on June 20, 1980, or the first federal workday thereafter if the fifteenth day falls on a weekend or holiday. In addition, a copy of the Notice of Objection must, on the same day as filing, be served on ARCO and on each of the following persons, pursuant to 10 CFR 205.193(c):

Richard H. Koebert, Audit Manager, Pacific District Office of Special Counsel, Department of Energy, 1340 West 6th Street, Room 233, Los Angeles, California 90017.

George Kielman, Associate Solictor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Ave., N.W., Mail Stop 2140, Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C., on the 28th day of May 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-17122 Filed 6-4-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1508-2]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1979 and May 31, 1979.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency

responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1979 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755–2808.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: May 28, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
DS-COE-A30071-NY	Beach Erosion Control and Hurricane Protection, East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York.	LO1	C
DS-COE-B35007-ME	Fore River, Maintenance Dredging Project, Portland Harbor, Maine	LO2	B
D-COE-E40171-GA	Harry S. Truman Parkway, Permit, Savannah and Chatham Counties, Georgia	EU2	E
D-COE-F32062-OO	Ohio River Navigation Project Operation and Maintenance, Pennsylvania, West Virginia, Ohio, Kentucky, Indiana and Illinois.	ER2	F
D-COE-F34006-IL	Louisville Lake, Little Wabash River Basin, Louisville, Clay and Effingham Counties, Illinois	ER2	F
D-COE-F36058-MI	Flood Control, Red Run Drain—Lower Clinton River, Macomb County, Michigan	ER2	F
DA-COE-G36002-TS	Burnett, Crystal, and Scott Bays and Vicinity, Baytown, Texas	LO2	G
	Department of Agriculture		
D-AFS-J65083-CO	Upper Arkansas Land Management Planning Unit, Pike and San Isabel National Forest, Colorado.	ER2	I
D-AFS-L03002-OO	Island Park Geothermal Area, Leasing and Development, Idaho, Montana and Wyoming	ER2	K
D-AFS-L61129-OR	Alsea Planning Unit, Land Management Plan, Siuslaw National Forest, Benton, Lane, and Lincoln Counties, Oregon.	LO2	K
D-DOA-A91040-OO	Essential Agricultural Uses of Natural Gas	LO2	A
D-SCS-C36026-OO	Blind Brook Watershed Plan, Westchester County, New York and Fairfield County, Connecticut	LO2	C
D-SCS-E36059-MS	Hoffa Creek Watershed, Multipurpose Project, Grenada and Tallahatchie Counties, Mississippi	LO2	E
	Department of Commerce		
D-NOA-D86001-DE	Delaware Coastal Zone Management Program (CZM)	ER2	D
	Department of Defense		
D-USA-D11004-VA	Fort Monroe, Virginia Base Realignment, Fort Monroe, York County, Virginia	LO1	D
D-USA-E10003-OO	U.S. Army Nuclear, Biological/Chemical Defense School, Aberdeen Proving Ground, Maryland, Redstone Arsenal, Alabama; and Fort McClellan, Alabama.	LO2	E
D-USN-B35008-CT	Trident Dredging Project, Thames River Channel, Groton and New London Counties, Connecticut.	LO1	B
	Department of Interior		
D-BLM-J99009-MT	Missouri Breaks Grazing Management Program, Montana	LO2	I
D-HCR-D61010-MD	Patapsco Valley State Park, Anne Arundel, Carroll County, Maryland	LO1	D
	Department of Transportation		
D-FHW-E40170-TN	TN-34 from Old TN-34 to 22-foot section west of TN-44, Sullivan County, Tennessee (FHWA-TN-EIS-78-04-D).	LO1	E
D-FHW-E40172-NC	NC-51, from NC-16 to U.S. 74, Matthews, Mecklenburg County, North Carolina (FHWA-NC-EIS-79-01-D).	LO2	E
D-FHW-E40173-TN	TN-34, TN-137 to Bluff City Bypass, Johnson City, Washington and Sullivan Counties, Tennessee (FHWA-TN-EIS-78-02-D).	LO1	E
D-FHW-H40090-MO	Improvement of Cole Street, Twelfth Street to Jefferson Avenue, St., Louis, St. Louis County, Missouri (FHWA-MO-EIS-78-01D).	ER3	H
D-FHW-K40064-CA	Proposed Highway Improvements, CA-203, Mammoth Lakes Village, Mono County, California	ER2	J
D-FHW-K40067-CA	CA-192, Shoulder Widening for Bicycle Lanes, and Replacement of San Roque Canyon Bridge, Santa Barbara, City and County, California.	LO1	J

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	GENERAL SERVICES ADMINISTRATION		
D-GSA-F81008-WI	Lease Construction of Federal Building, Milwaukee, Milwaukee County, Wisconsin	LO1	F
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-B89012-MA	Financial Settlement of South End Urban Renewal Project (CDBG), Boston, Suffolk County, Massachusetts (HUD-ROI-EIS-79-01-D).	ER2	B
D-HUD-E85044-FL	Sky Lake South Subdivision, Orlando, Orange County, Florida (HUD-RO4-EIS-77-21)	ER2	E
DS-HUD-F60003-OH	Newfields New Community, Montgomery County, Dayton, Ohio	LO2	F
D-HUD-F85047-MN	Canterbury Square Planned Unit Development, Savage, Scott County, Minnesota	ER2	F
D-HUD-J85020-CO	Hover Acres Planned Development, Longmont, Boulder County, Colorado	ER2	I
D-HUD-J85021-WY	Sage Bluff Subdivision, Gillette, Campbell County, Wyoming	LO2	I
D-HUD-L85012-ID	Lakewood Planned Community, Boise, Idaho (HUD-R10-EIS-79-3D)	LO2	K
	NUCLEAR REGULATORY COMMISSION		
D-NRC-J00014-UT	Shootering Canyon Uranium Mill Project, Operation, Utah	ER2	I
	TENNESSEE VALLEY AUTHORITY		
D-TVA-E08013-TN	500-KV Substation and Transmission Line, Paradise Plant, Montgomery, Montgomery County, Tennessee.	LO1	E
D-TVA-E60007-TN	Melton Hill Reservoir, Permanent Easement for Coal-Loading Barge Terminal, Proposed Sale, Anderson County, Tennessee.	LO2	E
D-TVA-E64004-AL	Development and Use of Mallard and Fox Creek Area, North Alabama	ER2	E
	VETERANS ADMINISTRATION		
D-VAD-C81004-NJ	Veterans Administration Medical Center, Camden, New Jersey	ER2	C
D-VAD-E69002-OO	Veterans Administration National Cemetary, Georgia, Alabama, and South Carolina, Southeastern United States.	LO1	E
D-VAD-F69001-OO	Fort Custer National Cemetery, Kalamazoo County, Michigan or Plum Brook, Huron County, Ohio.	LO2	F
D-VAD-L80001-WA	515-Bed Replacement Hospital, Veterans Administration Medical Center, Seattle, King County, Washington.	LO2	K

Appendix II.—*Definitions of Codes for the General Nature of EPA Comments*

Environmental Impact of the Action

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the

Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
F-COE-E32022-NC	Manteo (Shallowbag) Bay Project, Enlarging and Deepening Basin at Wanchese, Dare County, North Carolina.	EPA continues to have environmental concerns regarding the effect of the jetty system on larval migration. EPA suggests that when the phase I studies are completed that the unresolved matters be addressed in a supplemental EIS.	E
F-COE-F32052-WI	Racine Small Boat Harbor Improvement, Racine Harbor, Racine County, Wisconsin.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F32054-WI	Small Boat Harbor Improvement, Manitowoc Harbor, Manitowoc County, Wisconsin.	EPA's concerns were adequately addressed in the final EIS.	F
FS-COE-K35012-CA	Sacramento River Bank Protection Project, California.	EPA's concerns were adequately addressed in the final EIS.	J
FS-COE-K35013-CA	Bank Protection Project, Sacramento River, Chico Landing to Red Bluff, California.	EPA's concerns were adequately addressed in the final EIS.	J
	DEPARTMENT OF AGRICULTURE		
F-REA-E08012-FL	230 KV Transmission Facilities, Lee County, Florida (USDA-REA-EIS-(ADM) 78-12-F).	EPA's concerns were adequately addressed in the final EIS.	E
F-SCS-G36067-TX	Hamilton Creek Watershed Plan, Burnet County, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
F-SCS-G36076-LA	Lower Bayou Teche Watershed, Lafayette and Vermillion Parishes, Louisiana.	EPA's concerns were adequately addressed in the final EIS.	G
F-SCS-K36028-CA	San Miguelita Subwatershed Project, Santa Ynez River, Flood Prevention Project, Santa Barbara, California.	EPA's concerns were adequately addressed in the final EIS.	J
	DEPARTMENT OF COMMERCE		
F-NOA-C90004-VI	Virgin Islands Coastal Zone Management Program (CZM).	EPA's concerns were adequately addressed in the final EIS. EPA suggested greater consideration be given to the existing refuse disposal problems in the Virgin Islands.	C
	DEPARTMENT OF INTERIOR		
F-BLM-J01019-WY	Development of Coal Resources in Southcentral Wyoming.	Generally, EPA's concerns were adequately addressed in the final EIS. EPA reemphasized the need for BLM to conduct scoping sessions in the preparation of the "super" regional EISs and outlined specific areas which should be discussed in these documents.	I
F-BLM-J01021-WY	Eastern Power River Coal Resources Development, Campbell County, Wyoming.	EPA expressed the need for the "super" regional EIS to be clear and concise and concentrate on the issues. EPA made several recommendations to assist the BLM.	I
F-BOR-F60002-MI	Mill Creek Metropark, Recreation, Washtenaw County, Michigan.	EPA continues to have environmental reservation on the proposed project. EPA believes further assurances are necessary to provide that the state water quality standards will not be violated. In addition, EPA reiterated many of its concerns raised in the comments on the draft EIS.	F
	DEPARTMENT OF TRANSPORTATION		
F-FAA-K51012-HI	Lihue airport development projects, Kauai County, Hawaii.	EPA's concerns were adequately addressed in the final EIS.	J
F-FHW-D40055-VA	VA-1 and US 301, Robert E. Lee Bridge and approaches, James River, Richmond, Virginia.	EPA's concerns were adequately addressed in the final EIS. However, EPA did express support for the noise mitigation and water quality maintenance controls described in the FEIS.	D
F-FHW-E40035-MS	US 78, eastern end of Holly Springs Bypass to New Albany Bypass, Marshall, Benton, and Union Counties, Mississippi.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-E40097-NC	Relocation of US 321, Dallas to Hickory, Gaston, Lincoln and Catawba Counties, North Carolina.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-F40041-MI	Reconstruction of US 2 bridge over Manistique River, Manistique, Schoolcraft County, Michigan.	EPA's concerns were adequately addressed in the final EIS. However, EPA suggested that if Eastern Mound or free-standing noise barriers are not feasible, some type of landscaping would be appropriate to provide impacted dwellings with visual and possibly sound barriers.	F

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979*—Continued

Identifying No	Title	General nature of comments	Source for copies of comments
		GENERAL SERVICES ADMINISTRATION	
F-GSA-D80009-OO	Relocation and Consolidation of NRC Headquarters, Washington, DC and Maryland.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommends the use of water saving devices, stormwater controls, and acoustical treatment in newly constructed buildings: and encouraged GSA to strictly enforce the parking limitations discussed in the EIS.	D
		DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
F-HUD-E28031-AL	North-Central Jefferson County Water System, Alabama (CDBG).	EPA's concerns were adequately addressed in the final EIS	E
F-HUD-E85029-SC	College Park Estates Subdivision, Berkeley County, South Carolina (HUD-R04-77-14F).	EPA's concerns were adequately addressed in the final EIS	E
F-HUD-E85034-TN	East Hampton Subdivision, Shelby County, Tennessee (HUD-R04-EIS-77-28F).	EPA's concerns were adequately addessed in the final EIS. However EPA is concerned about the effect of the development on the Harrington Creek Watershed.	E
F-HUD-G85107-TX	Glen Iris Subdivision, Houston, Harris County, Texas.	EPA's concerns were adequately addressed in the final EIS	G
F-HUD-K85019-AZ	Maryvale Terrace 53-A, Mortgage Insurance, Phoenix, Arizona.	EPA's concerns were adequately addressed in the final EIS	J
		NATIONAL CAPITAL PLANNING COMMISSION	
FS-NCP-D61005-DC	Site location and program plan, Civic Center, Washington, DC.	EPA's concerns were adequately addressed in the final EIS	D
		DEPARTMENT OF STATE	
F-STA-A82102-OO	Narcotics Control in Mexico	EPA has environmental Reservations over the use of Paraquat in this program. EPA's position is not that *fusarium oxysporum* is the sole alternative to Paraquat, but that this fungus is indicative of the low-impact alternatives that should be considered in the development of a comprehensive, environmentally sound program.	A

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between May 1, 1979 and May 31, 1979*

Identifying No	Title	Source of review
	CORPS OF ENGINEERS	
FS-COE-B39005-MA	Bourne and Sagamore Highway Bridges, Cape Cod Canal, Bourne and Barnstable Counties, Massachusetts	B
F-COE-E35047-MS	Hatcher Bayou and Durden Creek Flood Control Project, Warren County, Mississippi	E
	DEPARTMENT OF AGRICULTURE	
F-AFS-J65070-UT	Land Management Plan, Salt Lake Planning Unit, Wasatch National Forest, Utah.	I
F-AFS-L01001-WA	Geothermal Leasing and Development, Gifford Pinchot National Forest, Skamania County, Washington (USDA-FS-R6-FES-(ADM)-79-1)	K
F-AFS-L61107-WA	Canal Front Land Management Plan, Olympic National Forest, Clallam, Jefferson and Mason Counties, Washington (USDA-FS-F6-FES-(ADM)-78-9-1).	K
F-AFS-L61111-ID	Warren Planning Unit, Payette National Forest, Idaho and Valley Counties, Idaho (USDA-FS-R4-FES-(ADM)-R4-78-6)	K
F-AFS-L65027-OR	Ochoco Timber Resource Plan, Crook, Harney, Grant, and Wheeler Counties, Oregon (USDA-FS-R7-FES-(ADM)-77-7)	K
F-AFS-L65043-AK	Louisiana-Pacific, Ketchikan Division, Timber Sale Plan 1979-84 Operating Period, Tongass National Forest, Prince of Wales Island and Revilla Island, Alaska.	K
FS-AFS-L82003-ID	Western Spruce Budworm, Boise and Payette National Forests, Idaho (USDA-FS-R4-AFES-(ADM)-R4-78-2)	K
F-SCS-B36018-CT	South Branch Park River Watershed, Hartford County, Connecticut (USDA-SCS-EIS-WS-(ADM)-79-1-F-CT)	B
	DEPARTMENT OF ENERGY	
F-DOE-A07015-OO	Fuel Use Act, Coal and Alternative Fuels Use	A

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments were Issued Between May 1, 1979 and May 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF COMMERCE		
R-NOA-A90037-OO	15 CFR Part 931, Proposed Administrative Procedures for Implementation of Coastal Energy Impact Program (44 FR 16852).	EPA believes these procedures provide the much needed support for broadened participation in the important decisions affecting OCS activities and offered specific comments to help improve the regulations.	A
	DEPARTMENT OF DEFENSE		
A-DOD-K23000-CA	Revised Draft Environmental Assessment and a Proposed Disposal Action at the Sierra Army Depot, California.	EPA recommended additional cautions and concerns to the proposal and made several comments which should be included in the final assessment.	J
	DEPARTMENT OF ENERGY		
R-DOE-A25036-OO	10 CFR Part 793, Municipal Waste Reprocessing Demonstration Program, Inquiry Regarding Development of Proposed Guidelines (44 FR 24298).	EPA welcomes the development of programs to secure sound technical and economic data on resource recovery demonstration facilities and encourages DOE to utilize those procedures developed by EPA in its own program.	A
	DEPARTMENT OF INTERIOR		
A-BLM-A02149-OO	Intent to Prepare an Environmental and Request for Comments, Proposed Oil and Gas Lease Program, 5 Years, Section 18, Outer Continental Shelf Lands Act (OCS) (44 FR 24639).	EPA supports the preparation of a programmatic EIS in implementing the five-year leasing program and provided several comments to BLM.	A
R-BLM-A61296-OO	43 CFR Part 1600, Planning, Programming, and Budgeting, Subpart 1601 Planning (43 FR 58764).	EPA made specific comments and recommendations in order to strengthen the regulations to provide greater assurances that the requirements of section 102(A)8 will be met.	A
R-IGS-A02142-OO	30 CFR Part 250, Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS) (44 FR 13527).	EPA commented on the following issues. 1) the suspension of operations and/or cancellation of a lease for environmental reasons. EPA continues to advise that determinations of environmental damage and remedial action should be made with input of environmental expertise from entities such as NOAA, FWS, EPA and not solely with parties whose concerns are primarily for the extraction of hydrocarbons: 2) the approval sequence for subsea installations, and the criteria for approval of platform, artificial island and seabed installations, design fabrication and plan of installation; and 3) that the applicability of NPDES administered by EPA under CWA should be referenced under section 250.43. Pollution and waste disposal.	A
	DEPARTMENT OF TRANSPORTATION		
R-CGD-A52139-OO	46 CFR Parts 31 and 35, Flammable and Combustible Cargoes, Information Cards (CGD 73-243) (44 FR 18709).	EPA supports the proposed USCG rule. The rule needs to be clarified to reference the notification procedures for oil and hazardous substances (40 CFR 110.9) since the cargoes requiring the information cards include oil and hazardous substance.	A
A-FAA-K51018-AZ	Proposed Expansion of Facilities at Cottonwood Airport, Assessment, Arizona.	EPA has no formal comments to offer at this time	J
A-FHW-J40047-ND	Knife River Crossing Near Stanton, North Dakota	EPA made no objections to the proposed action and found the informational content to be adequate.	I
R-MTB-A55009-OO	49 CFR Part 193, LNG Facilities, Federal Safety Standards, Development of New Standards (44 FR 8142).	EPA's comments related to definitions within the proposal and recommended the area of enforcement be clarified. In addition, EPA recommended the regulations include post-construction and pre-operational review to confirm compliance.	A
	FEDERAL ENERGY REGULATORY COMMISSION		
R-FRC-A05450-OO	18 CFR Parts 2, 4 and 16, Applications for Licenses for Major Projects, Existing Dams, Notice of Proposed Rulemaking (44 FR 24095).	EPA made several comments and modifications to the environmental report, exhibit E, to strengthen that section and facilitate the review process. EPA expressed concern that the impacts from the operation of major projects involving existing dams should not be minimized. This is important when considering peak load production projects which cause major fluctuations in the impoundment level and downstream flow.	A

[FR Doc. 80-17055 Filed 6-4-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1507-8; OPP-30038]

Pesticide Registration Label Improvement Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticide Programs is initiating a program to improve pesticide labeling. This Notice describes the program and the procedures that will be used to implement it.

FOR FURTHER INFORMATION CONTACT: Jean Frane, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460, Telephone: (202) 426-2510.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

The EPA is mandated by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), to protect human health and the environment from unreasonable adverse effects of pesticides. One means of accomplishing this goal is the labeling of pesticide products to provide instructions for their proper use and information on their hazards. The 1972 amendments to the FIFRA provided new authority over the use of pesticides, the enforcement of which is based primarily on the pesticide label—it is now a violation of the law to use a product in a manner inconsistent with its labeling.

Prior to the 1972 amendments, pesticide labels were developed with a view toward user guidance. Labeling submitted by registrants was evaluated on a case-by-case basis at the time of application for registration. The inherent variability of the case-by-case approach, however, has introduced inconsistency among labels of similar products. This inconsistency, coupled with non-specific language on many existing labels, and the potential for varying interpretations by State authorities responsible for primary enforcement of the Act, has created some confusion and hampered uniform compliance and enforcement measures.

Moreover, many pesticide labels which have not been reviewed since 1972 are in need of updating to accommodate newly emerging technologies and trends in pesticide application, to improve and expand the information presented, and to delete obsolete or incorrect recommendations. The Labeling Guidelines, now being developed for proposal in the **Federal Register**, and their implementation through present registration procedures and the proposed registration standards program, will correct many of these label problems for the future. However, even with full operation of both review programs, some pesticide labels will not be comprehensively reviewed until a considerable time in the future, possibly as long as 15 years.

II. Label Improvement Program

The Office of Pesticide Programs (OPP) is initiating a separate program designed to upgrade pesticide labels in certain areas that contribute to the protection of health and environmental safety and which are useful to the ability of the user and the enforcer to clearly delineate legal use. These areas are not adequately addressed in present labeling, and cannot await the development of registration standards. This program will also provide for needed uniformity in compliance and enforcement activities. We recognize that it may be impossible to achieve labeling consistency among products without consideration of the characteristics, effects, and uses of the individual pesticides themselves. Nonetheless, OPP believes that certain immediate label revisions are necessary.

OPP contemplates that the Label Improvement Program will be a continuing program to enable the Agency to respond rapidly to labeling needs identified within the Agency and by the industry, the users, and the public.

To that end, the Agency will require that registrants amend their registrations to modify their labels in certain ways within time frames to be established. The Office of Pesticide Programs will strive to establish reasonable deadlines for compliance and ample opportunity for disposal of current label stocks, commensurate with the nature of the required revision and the desire to achieve the benefits of improved labeling in the shortest time.

The Agency will issue a Notice of Intent to Cancel under FIFRA section 6(b) if an applicant fails to submit the application for amendment in a timely manner. FIFRA section 6(b) provides that the Agency may issue a Notice of Intent to Cancel if a product's labeling " * * * does not comply with the provisions of the Act." With respect to labeling, the standard for compliance is found in the misbranding provisions of the Act. For the purposes of this Notice, sections 2(q)(1)(F) and (G) are the most important misbranding provisions. Those sections require that labels specify use directions and warning and precautionary statements, respectively, adequate to "protect health and the environment." The term "protect health and the environment" is defined by FIFRA secion 2(x) to mean protection

from unreasonable adverse effects on the environment, and must therefore take into consideration the economic, social and environmental costs and benefits of use.

The Agency believes that a pesticide product's label is clearly inadequate to protect health and the environment if labeling changes would reduce significantly the risks of adverse effects from the pesticide's use without reducting significantly the benefits from use of the pesticide. This incremental risk/benefit determination does not supersede or negate the Agency's existing Rebuttable Presumption against Registration (RPAR) and registration standards processes, both of which address the total risks and benefits of a pesticide and its uses. Rather, the Agency will use the incremental risk/benefit principle in labeling improvement in instances when timeliness of action is a major consideration in effecting beneficial label changes, when a specific area for improvement has previously been identified (such as the reentry or storage and disposal requirements of the labeling regulations in 40 CFR 162.10), or when a revision can readily be foreseen as the likely outcome of the lengthier RPAR or registration standards evaluations.

The probability is high that either RPAR or a registration standard will result in additional label modifications based on its more comprehensive assessment of the risk and benefits of the pesticide and its uses. The possibility of future label revisions, however, is not a compelling reason for the Agency to delay implementation of labeling requirements that can achieve significant protection of health or the environment.

There are various areas where application of the incremental risk/benefit principle will permit the Agency to improve labeling. The Agency will identify specific label revisions in separate PR Notices or by individual notice to registrants. The remainder of this Notice describes the general procedures the Agency will use in carrying out the Label Improvement Program.

III. Procedures for Label Revision in Response to Label Improvement Notices

A. Submission of Applications

1. Each registrant of a product will be notified by individual certified letter or certified mail copy of a PR Notice that his product is subject to specific requirements for revision. For each affected product, the registrant is required to submit the following:

a. An application for amended registration (EPA Form 8570–11).

b. Five copies of draft labeling, incorporating the required changes. Final printed labeling may be submitted directly, but the registrant must assume responsibility for corrections if found deficient.

c. In some cases, a Statement of Confidential Formula (EPA Form 8570–4).

2. Applications must normally be submitted within 60 days of receipt of certified mail notice. If a longer time frame is permitted for submission of applications, it will be clearly stated.

Applications should be submitted to the appropriate Product Manager in the Registration Division at the following address: Product Manager (Name and Number), Registration Division (TS–767), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

3. Any product for which an application has not been received within the allotted 60 days (or longer time if provided) will be subject to cancellation proceedings under FIFRA section 6(b). A Notice of Intent to Cancel will be issued for each such product, effective 30 days after receipt, unless within that time the registrant, or an interested party with the consent of the registrant, either makes the required corrections (by applying for amended registration) or requests a hearing.

B. Exemption from Compensation Requirements

1. In many cases, an application for amended registration to meet requirements under a Label Improvement Program Notice will not be subject to the requirements of FIFRA Section 3(c)(1)(D) with respect to compensation for use of data. Label Improvement requirements will be reviewed against the criteria of 40 CFR 162.9–1(b)(16), that Agency consideration of scientific data is not necessary to approve the amendment. When requirements meet that criteria, no Offer to Pay or Certification Statement will be required to be submitted, nor will approval of amended registrations in response to that Notice convert registrations to conditional status under FIFRA section 3(c)(7). Each notice will specify the compensation status of applications.

2. Any exemption from compensation requirements applies only to amendments limited solely to the changes specifically enumerated in that Label Improvement notice. For this reason, a registrant may not normally propose other changes in labeling in his application for amended registration in response to such notice.

C. Processing of Applications

Labels will be reviewed for compliance with the requirements of the Notice, as follows:

1. An applicant whose draft labeling is acceptable will be required to submit final printed labeling. The registration amendment is not complete until final printed labeling has been submitted and accepted by the Registration Division. A stamped copy of acceptable final printed labeling will be returned to the applicant.

2. An applicant whose draft labeling is not acceptable will be informed of the deficiencies by letter and provided 45 days in which to resubmit revised labeling. Resubmission of revised labeling must be limited to the changes required by that letter to maintain the exemption from compensation requirements.

D. Combined Application in Response to Multiple Label Improvement Notices

Although OPP will attempt to combine Label Improvement requirements in an orderly fashion, it is conceivable that a registrant may receive more than one such Notice, with different submission deadlines. The Agency intends to minimize this occurrence as much as possible, but cannot ensure that there will be no overlap. To mitigate this problem, an applicant who receives multiple Notices requiring labeling changes may combine his responses into one application for amended registration, provided he clearly references both Notices. However, applications that are non-compensable under FIFRA section 3(c)(1)(D) may *not* be combined with applications that are compensable. The submission deadline for a combined application is the later of the deadlines established by the Notices. Compliance time for making the revisions will be calculated from the date of approval of the combined application.

E. Time Frames for Compliance

1. Applications for amendment must normally be submitted within 60 days of receipt of a Notice. Longer time frames will be clearlay stated.

2. No later than 180 days following approval of final printed labeling, all products released for shipment must bear the approved labeling. Registrants are responsible for ensuring compliance by their sub-registrants (distributors).

3. Product in channels of trade as of the 180-day deadline may continue to be distributed in commerce, sold, and used until supplies are exhausted.

Dated: May 29, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17054 Filed 6-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1508-1; OPTS-211000A]

Amendment to Granting of Citizen's Petition To Initiate Regulatory Proceedings to Control Asbestos-Cement Pipe

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA issued a notice in the **Federal Register** of October 18, 1979 (44 FR 60155) granting a citizen's petition to initiate a proceeding to control the manufacture and distribution of asbestos cement water pipes. Since that time the Ductile Iron Pipe Research Association has provided EPA with additional information regarding linings for cast iron pipe. The amendment reflects this information.

FOR FURTHER INFORMATION CONTACT: Mr. John Ritch, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Toll Free: (800-424-9065), in Washington, D.C.: (554-1404).

SUPPLEMENTARY INFORMATION: EPA issued a notice granting the petition of Mr. Glenn Scott to initiate a proceeding to control the manufacture and distribution of asbestos-cement water pipes published in the **Federal Register** of October 18, 1979, (44 FR 60155). On page 60157 EPA made the statement:

> "Development of an asbestos-cement pipe regulation will also involve an analysis of product substitutes for possible adverse health effects. For example, cast iron pipe, a potential substitute for use in drinking water systems is sometimes lined with coal tar pitch. Because coal tar pitch contains chemicals suspected of being carcinogenic, this substitute may be found to be unacceptable."

EPA has been advised that the Ductile Iron Pipe Research Association is not aware of any instances where coal tar pitch is being furnished for the lining of either cast or ductile iron pipe in potable water systems. The Association has further advised that in only very rare instances is pipe shipped without lining. The information submitted by the Association and the Agency's response is available in the public record established by the EPA for its decision on the citizen's petition.

EPA notes that the statement on cast iron pipe appearing in the **Federal Register** only reflects the Agency's intention to investigate the health risks that may be associated with substitutes for asbestos-containing products. The Agency did not express any definitive conclusions on the health effects of any particular product.

Dated: May 30, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-17052 Filed 6-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1441-1]

National Emission Standards for Hazardous Air Pollutants; Addition of Inorganic Arsenic to List of Hazardous Air Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Addition to the List of Hazardous Air Pollutants.

SUMMARY: This notice announces the Administrator's decision to list inorganic arsenic as a hazardous air pollutant under section 112 of the Clean Air Act. This decision responds to section 122 of the Clean Air Act which requires the Agency to make a regulatory decision with respect to arsenic. This decision is based on the Administrator's findings that (1) there is a high probability that exposure to inorganic arsenic causes cancer in humans, and (2) there is significant public exposure to inorganic arsenic that is emitted into the air by stationary sources. These findings meet the requirements for listing specified in EPA's proposed rule, "Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer," (44 FR 58642), October 10, 1979.

This notice also announces that, consistent with the proposed rule cited above, EPA will (1) determine which categories of stationary sources of inorganic arsenic pose significant risks to public health, and (2) assign priorities to such categories of stationary sources for the development of emissions standards. EPA's assignment of priorities will be announced in the **Federal Register**, and an opportunity for public comment will be provided.

ADDRESSES: Docket Number OAQPS 79-8, containing material relevant to this action, is located in EPA's Central Docket Section, Room WSM-2903B, 401 M Street, SW, Washington, D.C. The Docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Joseph Padgett, Director (MD-12), Strategies and Air Standards Division, (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5204 or FTS 629-5204.

SUPPLEMENTARY INFORMATION: Arsenic occurs in the environment primarily in inorganic compounds but is also found in a variety of organic compounds. Both inorganic and organic arsenic have been found to be toxic to humans. For years, scientists have been concerned about the toxicity of arsenic compounds, but recently this concern has focused on inorganic arsenic because epidemiological evidence has shown that inorganic arsenic is a human carcinogen. *(1)* In 1969, the National Cancer Institute *(2)* pointed to arsenic as a substance for which human carcinogenicity had been demonstrated, although no animal model had yet been found to reproduce that effect. The National Academy of Sciences (NAS), *(3)* in 1977, concluded that there was strong epidemiologic evidence that inorganic arsenic caused skin and lung cancers in humans. In 1977, EPA's Carcinogen Assessment Group (CAG) *(4)* concluded that, while arsenic had not yet been convincingly shown to be carcinogenic in animals, the evidence of its carcinogenicity in humans was sufficient to warrant its being regarded as a carcinogen for regulatory purposes. In May 1978, the Occupational Safety and Health Administration (OSHA) *(5)* promulgated workplace standards to limit workers' exposure to airborne inorganic arsenic. This action was based on findings of excess cancer mortalities among worker populations exposed to airborne concentrations of varous inorganic arsenic compounds. OSHA reviewed the substantial body of evidence relating to the carcinogenicity of inorganic arsenic and concluded that inorganic arsenic "is clearly a human carcinogen." *(5)*

Arsenic occurs in the atmosphere as a result of both natural and man-made processes. Arsenic compounds occurring naturally in soils find their way into the ambient air through natural phenomena such as volcanic activity, hot springs, decay of plant matter, and the weathering of soils. *(6)* Man-made sources of atmospheric arsenic fall into two general groups: (1) The processing of raw materials containing arsenic, and (2) the manufacture or use of products containing arsenic. Examples of man-

made sources of atmospheric arsenic include smelters (arsenic often occurs naturally in compounds with other metals), pesticide manufacture and use, the combustion of fossil fuels (arsenic occurs naturally in compounds with sulfur), glass manufacture, cotton ginning, and the lead alloy industry. EPA estimates that emissions of inorganic arsenic into the ambient air are more than 6,000 tons per year, with about 65% of the total coming from the operations of copper, lead, and zinc smelters. (*6*)

The possibility that a health problem associated with inorganic arsenic may extend to the communities surrounding industrial sources of arsenic emissions has been the subject of several studies. Increased lung cancer has been reported among male and female residents living near a copper smelter and a mine (both sources of arsenic emissions) in Anaconda and Butte, Montana. *(1)* The National Cancer Institute has released a study showing excess mortality from repiratory cancer in counties where copper, lead, and zinc smelters are located, but not in counties with other smelters. *(7)*

EPA initiated a study in 1977 of the populations exposed to various ambient air concentrations of arsenic. This study, in summarizing 1974 data collected by EPA's National Air Sampling Network (NASN), shows that the annual average concentration of arsenic for five urban areas within eighty kilometers of selected smelters was 10 times greater than the annual average for all of the sites (over 250) in the nationwide network. At a site in Tacoma, Washington, within sixteen kilometers of a smelter, the annual average was more than 25 times the national average. The study estimates that nearly three million people live within twenty kilometers of sources of airborne arsenic such as copper smelters, lead smelters, zinc smelters, cotton gins, pesticide manufacturing plants and glass manufacturing plants and are exposed to annual average arsenic concentrations greater than the national average concentration. The study also estimates that (1) more than 500,000 of these people are exposed to annual average concentrations that are 10 times or more the national average, and (2) more than 40,000 of these people are exposed to concentrations 100 times or more the national average.

In addition to the exposure study, EPA also produced documents *(1,8)* dealing with (1) the health effects of arsenic, and (2) the evidence of carcinogenicity, carcinogenic strength, and the estimated risks of cancer to the exposed populations. In May 1978, EPA submitted drafts of the three documents to the Agency's Science Advisory Board (SAB) for review. Based on this review and public comments received by EPA, the documents were revised. The SAB was asked to review the revised documents, and did so in January 1979. In this second review of EPA's draft documents, the SAB *(9)* concluded that, "All the available data lead to a consensus that there is a real association between exposure to arsenic and the development of cancer, both lung and skin cancer." The SAB's conclusion supported the finding of EPA's Carcinogen Assessment Group that "there is substantial evidence that arsenic is a human carcinogen." The SAB also endorsed the basic adequacy of the exposure study. The SAB did not view the analysis presented in the documents as establishing conclusively the carcinogenicity of arsenic at low concentrations in the ambient air, but stated that it did not intend to express any view on the Agency's use of a no-threshold position *(10)* for regulatory purposes under section 112 of the Clean Air Act. This Agency position and the Agency's proposed policy for dealing with airborne carcinogens are discussed below.

The identification of substances as probable human carcinogens is generally based on studies of human or animal exposure to higher dosages of these substances than those usually found in the ambient air. There is considerable scientific debate as to whether such substances are human carcinogens at the lowest exposure level encountered in the ambient air, or whether there are threshold levels of exposure below which there is no risk of cancer. the Agency believes that it is scientifically infeasible to establish such levels for airborne carcinogens and has, as a matter of prudent health policy, taken the position that human carginogens must be treated as posing some risk of cancer at any non-zero level of exposure; therefore, the absence of conclusive proof that substances shown to be carcinogenic at high exposure levels are also carcinogenic at lower exposure levels is not relevant to a decision to list the substance as a hazardous air pollutant under section 112. The policy proposed by the Agency for dealing with airborne carcinogen establishes two qualitative criteria for listing under section 112: (1) A finding that there is a high probability that the substance is carcinogenic to humans, and (2) a finding that there is significant public exposure to the substance.

In the judgement of the Administrator, there is a high probability that inorganic arsenic causes cancer in humans. This judgement is based on the documentation referenced herein and on the conclusion of the Carcinogen Assessment Group, supported by the Science Advisory Board, that there is substantial evidence that inorganic arsenic is a human carcinogen.

In the judgment of the Administrator, there is significant public exposure to airborne inorganic arsenic. This judgement is based on the results of EPA's exposure study, which the SAB found to be basically adequate. these results identified multiple stationary sources of arsenic, showed that large numbers of people are exposed to localized ambient concentrations of arsenic many times the national average concentration, and clearly related such concentrations to identifiable stationary sources.

Under the proposed policy, the listing as a hazardous air pollutant of an inorganic substance for which no generic standards have been developed will be followed by the assignment of priorities for the development of emission standards for significant categories of sources emitting the substance. The priority listing will be published in the **Federal Register.** While the source selection and priority assignment process is not complete, the Agency is pursuing the development of regulations for the control of arsenic emissions from selected smelting operations which use ores of high arsenic concentration. As required by section 112(b)(1)(B) of the Clean Air Act, public comment on the arsenic listing decision will be solicited concurrent with comment on the first standards proposed to control arsenic emissions.

Based on the judgements of the Administrator concerning the human carcinogenicity of inorganic arsenic and the significance of public exposure to airborne inorganic arsenic, and in view of the requirement under section 122 of the Clean Air Act to make a determination on arsenic, the Administrator, has decided at this time to list inorganic arsenic as a hazardous air pollutant under section 112 of the Act.

Notice is hereby given that the Administrator, pursuant to section 112(b)(1)(A) of the Act amends the list of hazardous air pollutants to read as follows:

List of Hazardous Air Pollutants

* * * * *

1. Asbestos
2. Beryllium
3. Mercury

4. Vinyl Chloride
5. Benzene
6. Radionuclides
7. Inorganic Arsenic.

Dated: May 27, 1980.

Douglas M. Costle,

Administrator.

References

1. U.S. EPA, *En Assessment of the Health Effects of Arsenic Germane to Low-Level Exposure*, Revised External Review Draft, Washington, D.C., October 1978.

2. Lee, A. M. and Fraumeni, J. F., Jr., "Arsenic and Respiratory Cancer in Man: An Occupational Study," *J. National Cancer Institute*, 42:1045–52, 1969.

3. Committee on Medical and Biologic Effects of Environmental Pollutants, *Arsenic*, National Academy of Sciences, Washington, D.C., 1977.

4. U.S. EPA, "Carcinogenicity of Arsenic," memorandum from Roy E. Elbert, CAG, to Joseph Padgett, SASD, April 29, 1977.

5. Occupational Safety and Health Administration, Department of Labor, "Occupational Exposure to Inorganic Arsenic," Final Standard, **Federal Register**, Vol. 43, No. 88, May 5, 1978, pp 19584–19631.

6. Benjamin F. Suta, *Human Exposures to Atmospheric Arsenic*, SRI International, Report to EPA under Contract #68–01–4314 and 68–02–2835, December 1979.

7. Blot, W. J. and Fraumeni, J. F., Jr., "Arsenical Air Pollution and Lung Cancer," *The Lancet*, pp 142–144, July 26, 1975.

8. U.S. EPA, Carcinogen Assessment Group's Preliminary Report on Population Risk to Arsenic Exposure, 18 April 1978.

9. U.S. EPA, Science Advisory Board, Subcommittee on Arsenic, Report of the Subcommittee's review of Arsenic as a Possible Hazardous Air Pollutant, May 22–23, 1978 and Jan. 10, 1979, 18 April 1979.

10. U.S. EPA, "Policy and Procedures for Identifying, Assessing and Regulating Airborne Substances Posing a Risk of Cancer," Proposed Rule, **Federal Register**, Vol. 44, No. 197, October 10, 1979.

[FR Doc. 80–17053 Filed 6–4–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80–241, File No. 22574–CD–P–79; CC Docket No. 80–242, File No. 20509–CD–P–80]

Southwest Mobile Systems Inc. and Radiofone, Inc.; Applications

In re applications of Southwest Mobile Systems, Inc. for a construction permit to establish one-way paging facilities to operate on frequency 152.24 MHz in the domestic public land mobile radio service at McComb, Mississippi; and Radiofone, Inc. for a construction permit to establish one-way paging facilities to operate on frequency 152.24 MHz in the domestic public land mobile radio service at Tickfaw, Louisiana; memorandum opinion and order, designating applications for consolidated hearing on stated issues.

Adopted: May 16, 1980

Released: June 2, 1980.

By the Chief, Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, is the application of Southwest Mobile Systems, Inc., File No. 22574–CD–P–79, for a Construction Permit to establish a new one-way station to operate on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at McComb, Mississippi, and the application of Radiofone, Inc., File No. 20509–CD–P–80, for a Construction Permit to establish a new one-way station to operate on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at Tickfaw, Louisiana. These applications are electrically mutually exclusive; therefore, a comparative hearing must be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the above-referenced application of Southwest Mobile Systems, Inc., File No. 22574–CD–P–79, and the application of Radiofone, Inc., File No. 20509–CD–P–80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[1] and to determine the need for the proposed services in said areas; and (c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James K. Smith,

Acting Chief, Common Carrier Bureau.

[1] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

[FR Doc. 80–17079 Filed 6–4–80; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Proposed Revision of Existing Systems of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed revision of existing systems of records.

SUMMARY: The Department of Housing and Urban Development published (44 FR 72303, 72304) notices of the Federal Crime Insurance and The National Flood Insurance Application and Related Documents Files systems of records. The purpose of this proposal is to give notice to the public that the above-referenced systems of records will become part of the Federal Emergency Management Agency systems of records; to identify administrative changes to these systems necessitated by the President's Reorganization Plan No. 3 of 1978; to clarify the language of several routine uses for these systems; and to add new routine uses to the systems that are compatible with the purposes for collecting and maintaining these records.

DATES: The above-referenced systems of records shall be effective as proposed without further notice July 7, 1980, unless comments are received on or before that date which would result in a contrary determination. The Office of Management and Budget has been requested to waive the 60-day advance notice requirement. If the waiver is not approved, the systems of records shall become effective August 4, 1980. Any interested party may submit written comments regarding these proposals.

ADDRESS: Address comments to the Federal Emergency Management Agency, Attn: Privacy Act Officer, Rm. 807, 1725 Eye Street, N.W., Washington, D.C. 20472. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Linda Hartford at (202) 634–6772.

SUPPLEMENTARY INFORMATION: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency. The plan was activated effective April 1, 1979, by Executive Order 12127 "Federal Emergency Management Agency," 44 FR 19367. The plan, Executive Order 12127, and Executive Order 12148 "Federal Emergency Management Agency," effective July 15, 1979, 44 FR 43239, together transferred to the new agency functions of five existing agencies in four departments or parent agencies. The Federal Insurance Administration responsibilities were transferred from the Department of Housing and Urban Development to the Federal Emergency Management Agency.

Therefore, it is necessary to make certain administrative changes to transfer the above-referenced systems of records to the Federal Emergency Management Agency. The proposed changes include (1) relocation of the files to the Federal Emergency Management Agency; (2) the names and addresses of new system managers; and clarification and addition of new routine uses. The Department of Housing and Urban Development will continue coverage of the Federal Crime Insurance and The National Flood Insurance Application and Related Documents Files systems of records under the Privacy Act until such time as the Federal Emergency Management Agency systems of records become effective.

While the proposed changes are essentially administrative in nature, we believe that they do represent substantial changes to the prior HUD systems or records within the meaning of OMB's guidelines for submission of a report on new systems. A Report on New Systems that identifies all changes herein proposed has been filed, concurrent with this publication, with Congress and the Office of Management and Budget. The Federal Emergency Management Agency has requested a waiver of OMB's 60 day advance notice requirement so as to avoid delays in processing of claims and ensure nonduplication of benefits. If the waiver is approved, the two systems of records shall become effective July 7, 1980 without further notice unless comments are received on or before that date which would result in a contrary determination.

Dated: May 30, 1980.

Bill Combs,

Director, Office of Public Affairs, Federal Emergency Management Agency.

FEMA/FIA–1

SYSTEM NAME:

Federal Crime Insurance Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration, Federal Emergency Management Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual policyholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of policyholders, addresses of insured premises; type of premises; amounts and types of insurance desired; annual premiums; claims information; record of claim payments; record of premium payments; agent's name and address; other insurance held by policyholder; inspection report or protective devices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb-et seq; E.O. 12127, 44 FR 19367.

PURPOSE(S):

For the purpose of verifying coverage of Federal Crime Insurance, issuing policies, claims adjusting and billing purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the servicing company for the contract and insurance adjustment firms retained by the servicing company for billing, verification of coverage, claims adjusting and issuance of policies; to property loss reporting bureaus; to State Insurance Departments and insurance companies investigating fraud or potential fraud in connection with burglary or robbery claims. Additional routine uses may include Nos. 1, 2, 3, 5, 8, 12 and 13 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Tape/disc library and paper files.

RETRIEVABILITY:

By name of policyholder, social security number of policyholder or policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Information partly current and partly historical. Retention of records shall be for 6 years or until no longer needed. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administrator, Office of Insurance Operations, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Individual policyholders; police reports (for verification of claims data; servicing companies (for verification of claims data).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FIA-2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration; FIA Headquarters office, Federal Emergency Management Agency, Washington, D.C. 20472. Copies of some of the files are also provided to the FEMA Regional offices when additional information is requested from their respective offices.

CATEGORIES OF INDIVIDUAALS COVERED BY THE SYSTEM:

Applicants for individual flood insurance and individuals insured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flood insurance, policy issuances and administration records and claims adjustment records, including applications for emergency and regular flood insurance, endorsements, renewal applications, cancellation notices, policy questionnaires, notice of loss, and proofs of loss.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, et seq.; 5 U.S.C. 301; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12127, 44 FR 19367.

PURPOSE(S):

For the purpose of carrying out the National Flood Insurance Program and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

For use of insurance agents, brokers and adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Federal Disaster Assistance Administration, the Farmers Home Administration and State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania. Redevelopment Authority for determinig eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster.

Additional routine uses may include Nos. 1, 5, 6, 7, 8, 9, 12 and 13 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name and policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Policy records are kept as long as insurance is desired and premiums paid and for an appropriate time thereafter and claim records are kept for the statutory time within which to file a claim.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Federal Emergency Management Agency—Appendix A

Introduction to Routine Uses:

Certain routine uses have been identified as being applicable to many of the FEMA systems of record notices. The specific routine uses applicable to an individual system of record notice will be listed under the "Routine Use" section of the notice itself and will correspond to the numbering of the routine uses published below. These uses are published only once in the interest of simplicity, economy and to avoid redundancy, rather than repeating them in every individual system notice.

1. *Routine Use—Law Enforcement.* In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. *Routine Use—Disclosure When Requesting Information.* A record from a FEMA system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. *Routine Use—Disclosure of Requested Information.* A record from a

FEMA system of records may be disclosed to a Federal agency, in response to a written request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. *Routine Use—Grievance, Complaint, Appeal.* A record from a FEMA system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of FEMA are covered within systems of records published by the Office of Personnel Management as government-wide records, those records will be considered as a part of that government-wide system. Other official personnel records covered by notices published by FEMA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

5. *Routine Use—Congressional Inquiries.* A record from a FEMA system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

6. *Routine Use—FEMA Agents.* A record from a FEMA system of records may be disclosed as a routine use (1) to an expert, consultant, contractor, delegate, designee or other agent of FEMA to the extent necessary to further the performance of a Federal duty, and (2) to a physician to conduct a fitness-for-duty examination of a FEMA officer or employee.

7. *Routine Use—Private Relief Legislation.* The information contained in a FEMA system of records may be disclosed as a routine use to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

8. *Routine Use—Within FEMA.* A record from a FEMA system of records maintained by a component of FEMA may be disclosed as a routine use to other components of FEMA if necessary and relevant for the performance of a lawful function, such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the component of FEMA requesting the record.

9. *Routine Use—Disclosure Required by International Agreements.* A record from a FEMA system of records may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred to international agreements and arrangements.

10. *Routine Use—Disclosure to State and Local Taxing Authorities.* Any information normally contained in IRS Form W–2 which is maintained in a record from a FEMA system of records may be disclosed as a routine use to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517 and 5520, and only to those State and local taxing authorities for which an employee, military member or other persons performing services for FEMA is or was subject to tax is or was withheld. The routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin No. 76–07.

11. *Routine Use—Disclosure to the Office of Personnel Management.* A record from a FEMA system of records may be disclosed to the Office of Personnel Management Division concerning information on pay and leave benefits, retirement deductions, and any other information concerning personnel actions.

12. *Routine Use—Disclosure of Information to NARS (GSA).* A record from a FEMA system of records may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

13. *Routine Use—Freedom of Information Act.* A record from a FEMA system of records may be disclosed if required under the Freedom of Information Act, as amended.

[FR Doc. 80–17047 Filed 6–4–80; 8:45 am]

BILLING CODE 4210–23–M

FEDERAL MARITIME COMMISSION

[Docket No. 80–35]

Pacific Coast European Conference (Agreement No. 5200–D.R.–4—Extension of Dual Rate Contract to Intermodal Service); Order of Investigation and Hearing

The member lines of the Pacific Coast European Conference (PCEC) have filed a modification to their existing Dual Rate Contract to include the cargo of contract shippers described as moving "overland from a Pacific Coast Area port via connecting water movements from U.S. Atlantic, Great Lakes and Gulf ports, to a destination port" within the scope of the conference agreement.

The apparent purpose of this modification is to include under the contract "minibridge" traffic which may be moved by members of the conference under the authority of the conference agreement.

Five shippers and carriers protested the Agreement and requested a hearing. Seatrain Lines/Seatrain International, S.A., questions whether any intermodal dual rate system can be implemented which would satisfy the provisions of the Interstate Commerce Act, the Shipping Act, 1916, and Commission General Orders. Seatrain believes that the Interstate Commerce Act bars the application of the contract spread to anything except the water portion of the joint rail-water rate, consequently rendering it impossible to state a fixed discount rate in the approved contract and specific rates in the applicable FMC tariffs as required.

Other protestants complain that the proposed extension would cause them economic injury and that it has not been justified by a showing that it fulfills a serious transportation need under the *Svenska* test.[1] Proponents disagree and dispute the applicability of the *Svenska* criteria to arrangements filed pursuant to section 14b.

The Commission recently restated its longstanding position that dual rate contracts are subject to the *Svenska* test, although not to the same degree as the conference agreement itself. In, *Agreement Nos. 150 DR–7 and 3103 DR–7*, 19 S.R.R. 1229 (1979), we held that conferences adding intermodal rates to their dual rate contract coverate must at least show that they offer the intermodal services in question and that substantial intermodal competition exists. Proponents have not shown the latter.

Another issue which must be considered is whether, assuming that

[1] *FMC* v. *Svenska Amerika Linien*, 390 U.S. 238 (1968).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FIA-2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration; FIA Headquarters office, Federal Emergency Management Agency, Washington, D.C. 20472. Copies of some of the files are also provided to the FEMA Regional offices when additional information is requested from their respective offices.

CATEGORIES OF INDIVIDUAALS COVERED BY THE SYSTEM:

Applicants for individual flood insurance and individuals insured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flood insurance, policy issuances and administration records and claims adjustment records, including applications for emergency and regular flood insurance, endorsements, renewal applications, cancellation notices, policy questionnaires, notice of loss, and proofs of loss.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, et seq.; 5 U.S.C. 301; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12127, 44 FR 19367.

PURPOSE(S):

For the purpose of carrying out the National Flood Insurance Program and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

For use of insurance agents, brokers and adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Federal Disaster Assistance Administration, the Farmers Home Administration and State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania, Redevelopment Authority for determinig eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster.

Additional routine uses may include Nos. 1, 5, 6, 7, 8, 9, 12 and 13 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name and policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Policy records are kept as long as insurance is desired and premiums paid and for an appropriate time thereafter and claim records are kept for the statutory time within which to file a claim.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

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CONTESTING RECORD PROCEDURES:

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FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Federal Emergency Management Agency—Appendix A

Introduction to Routine Uses:

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2. *Routine Use—Disclosure When Requesting Information.* A record from a FEMA system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

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FEMA system of records may be disclosed to a Federal agency, in response to a written request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

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6. *Routine Use—FEMA Agents.* A record from a FEMA system of records may be disclosed as a routine use (1) to an expert, consultant, contractor, delegate, designee or other agent of FEMA to the extent necessary to further the performance of a Federal duty, and (2) to a physician to conduct a fitness-for-duty examination of a FEMA officer or employee.

7. *Routine Use—Private Relief Legislation.* The information contained in a FEMA system of records may be disclosed as a routine use to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

8. *Routine Use—Within FEMA.* A record from a FEMA system of records maintained by a component of FEMA may be disclosed as a routine use to other components of FEMA if necessary and relevant for the performance of a lawful function, such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the component of FEMA requesting the record.

9. *Routine Use—Disclosure Required by International Agreements.* A record from a FEMA system of records may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred to international agreements and arrangements.

10. *Routine Use—Disclosure to State and Local Taxing Authorities.* Any information normally contained in IRS Form W–2 which is maintained in a record from a FEMA system of records may be disclosed as a routine use to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517 and 5520, and only to those State and local taxing authorities for which an employee, military member or other persons performing services for FEMA is or was subject to tax is or was withheld. The routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin No. 76–07.

11. *Routine Use—Disclosure to the Office of Personnel Management.* A record from a FEMA system of records may be disclosed to the Office of Personnel Management Division concerning information on pay and leave benefits, retirement deductions, and any other information concerning personnel actions.

12. *Routine Use—Disclosure of Information to NARS (GSA).* A record from a FEMA system of records may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

13. *Routine Use—Freedom of Information Act.* A record from a FEMA system of records may be disclosed if required under the Freedom of Information Act, as amended.

[FR Doc. 80–17047 Filed 6–4–80; 8:45 am]

BILLING CODE 4210–23–M

FEDERAL MARITIME COMMISSION

[Docket No. 80–35]

Pacific Coast European Conference (Agreement No. 5200–D.R.–4—Extension of Dual Rate Contract to Intermodal Service); Order of Investigation and Hearing

The member lines of the Pacific Coast European Conference (PCEC) have filed a modification to their existing Dual Rate Contract to include the cargo of contract shippers described as moving "overland from a Pacific Coast Area port via connecting water movements from U.S. Atlantic, Great Lakes and Gulf ports, to a destination port" within the scope of the conference agreement.

The apparent purpose of this modification is to include under the contract "minibridge" traffic which may be moved by members of the conference under the authority of the conference agreement.

Five shippers and carriers protested the Agreement and requested a hearing. Seatrain Lines/Seatrain International, S.A., questions whether any intermodal dual rate system can be implemented which would satisfy the provisions of the Interstate Commerce Act, the Shipping Act, 1916, and Commission General Orders. Seatrain believes that the Interstate Commerce Act bars the application of the contract spread to anything except the water portion of the joint rail-water rate, consequently rendering it impossible to state a fixed discount rate in the approved contract and specific rates in the applicable FMC tariffs as required.

Other protestants complain that the proposed extension would cause them economic injury and that it has not been justified by a showing that it fulfills a serious transportation need under the *Svenska* test.[1] Proponents disagree and dispute the applicability of the *Svenska* criteria to arrangements filed pursuant to section 14b.

The Commission recently restated its longstanding position that dual rate contracts are subject to the *Svenska* test, although not to the same degree as the conference agreement itself. In, *Agreement Nos. 150 DR–7 and 3103 DR–7),* 19 S.R.R. 1229 (1979), we held that conferences adding intermodal rates to their dual rate contract coverate must at least show that they offer the intermodal services in question and that substantial intermodal competition exists. Proponents have not shown the latter.

Another issue which must be considered is whether, assuming that

[1] *FMC* v. *Svenska Amerika Linien,* 390 U.S. 238 (1968).

the authority sought is found to be justified, separate contracts should be required to be signed for the intermodal (minibridge) and port-to-port services offered.

The proposed contract modification duplicates the approved language extending the scope of PCEC's organic conference agreement to include "minibridge" operations.[2] In originally passing on that language, however, the Commission was concerned that it could be construed as incorporating more than the minibridge authority ostensibly sought by the conference. Consequently, the present Agreement should be reviewed to assure that it conveys the exact and proper application of the contract without implying that the shipper is prevented from using services and routings nor covered by PCEC's present intermodal authority.

All of the above matters require formal scrutiny. In addition, the protestants will be given an opportunity to demonstrate what injury, if any, they would suffer from the implementation of Agreement No. 5200–D.R.–4.

Therefore, it is ordered, That pursuant to sections 14b, 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 5200–D.R.–4 is unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, or contrary to the public interest, and, therefore, whether it should be approved, disapproved or modified. Such determination shall include: (1) whether the intermodal services and port-to-port services should be covered by separate contracts, or by a single contract; (2) whether the language of the proposed modification is so broad as to include services outside the scope of the Conference Agreement; and (3) how proponents would implement the independent action provisions of Paragraph 4 of Article 1 of the conference agreement in a manner which does not violate the terms of the dual rate contract, section 14b, or any other provision of the Shipping Act, 1916.

It is further ordered, That the member lines of the Pacific Coast European Conference are designated as proponents in this proceeding; and

It is further ordered, That the Commission's Bureau of Hearing Counsel and the entities listed in Appendix II of this order are designated as protestants in this proceeding; and

It is further ordered, That this matter is assigned for public hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be determined and announced by the Presiding Administrative Law Judge, to commence within the time limitations prescribed in 46 CFR 502.61;

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record; and

It is further ordered, That this order be published in the **Federal Register**, and a copy thereof served upon the Proponents and protestants listed in the appendices hereto; and

It is further ordered, That any person(s) having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with 46 CFR 502.72; and

It is further ordered, That all future notices, orders, or decisions issued in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties or counsel of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix I—Proponents

Graham & James, One Maritime Plaza, San Francisco, California 94111

Appendix II—Protestants

1. Richard W. Kurrus for American Export Lines, Inc. (Farrell Lines)

Richard W. Kurrus, Esq., Kurrus and Ash, 1055 Thomas Jefferson St., N.W., Washington, D.C. 20007

2. Neal M. Mayer for Seatrain International, S.A.

Neal M. Mayer, Esq., Coles & Goertner, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036

3. C. F. Gettz, Manager, Traffic Dept., Pfizer International, Inc., 235 East 42nd Street, New York, New York 10017

4. J. Murray Fox, Executive Secretary, Pacific Agricultural Cooperative for Export, Inc., 465 California Street, San Francisco, California 94104

5. John MacDonald Smith for Southern Pacific Marine Transport, John MacDonald Smith, Atty at Law, Southern Pacific Building, San Francisco, California 94105

[FR Doc. 80-17120 Filed 6-4-80; 8:45 am]

BILLING CODE 6730-01-M

[2] Agreement No. 5200-31, conditionally approved June 29, 1977, effective August 23, 1977.

FEDERAL RESERVE SYSTEM

The Royal Bank of Canada; Acquisition of Bank

The Royal Bank of Canada, Montreal, Canada, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Banco De San Juan, Hato Rey, Puerto Rico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 20, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17048 Filed 6-4-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Epidemiologic and Services Research Review Committee; Meeting Change

In **Federal Register** Document 80-15685 appearing on page 34425 in the issue of Thursday, May 22, 1980, the meeting of the Epidemiologic and Services Research Review Committee will only be open from 5:30 to 6:30 p.m. on June 9. All other information remains as announced May 22, 1980.

Dated: May 30, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-16992 Filed 6-4-80; 8:45 am]

BILLING CODE 4110-88-M

Office of Human Development Services

Model Adoption Legislation and Procedures Advisory Panel; Meeting

The Model Adoption Legislation and Procedures Advisory Panel was established by the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Pub. L 95–266, Title II, Section 202) to advise and assist the Secretary in the review of current conditions, practices and laws relating to adoption, with special reference to their effect on facilitating or impeding the location of suitable adoptive homes for children who would benefit by adoption and the suitable completion of adoptions for such children.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 95–463, 5 U.S.C. app. 1, sec. 10, 1976) that the Panel will hold a meeting on August 7 and 8, 1980 from 8:30 a.m. to 5:00 p.m. in Room 703A, Hubert H. Humphrey Building, 200 Independence Ave. SW, Washington, D.C.

At this Meeting the Panel will review public comments received on the Model State Adoption Act and Model Adoption Procedures published February 15, 1980 in the **Federal Register**. The Panel will meet in plenary session throughout the meeting.

Further information on the Panel may be obtained from Mrs. Diane D. Broadhurst, Executive Secretary, Model Adoption Legislation and Procedures Advisory Panel, Children's Bureau, P.O. Box 1182, Washington, DC 20013; telephone (202) 426–2822. Model Adoption Legislation and Procedures Advisory Panel meetings are open for public observation.

Arnold Sampson,

Committee Management Officer, Office of Human Development Services.

May 27, 1980.

[FR Doc. 80–17088 Filed 6–4–80; 8:45 am]

BILLING CODE 4110–92–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Brotherton Indians of Wisconsin c/o Mrs. Anna H. Jacobs, Rt. 1 Box 298A, Bowler, Wisconsin 54416 has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on April 15. The petition was forwarded and signed by Mrs. Anna H. Jacobs.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Ralph R. Reeser,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80–17030 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Intergovernmental Planning Program; Gulf of Mexico Regional Technical Working Group; Meeting

As authorized by the Secretary of the Interior and pursuant to 43 CFR 1784 and 43 U.S.C. 1739(d), a meeting of the Intergovernmental Planning Program's (IPP) Gulf of Mexico Regional Technical Working Group will be held on July 10, 1980, from 8:00 a.m. to 2:00 p.m. The meeting will be held in the Bureau of Land Management's New Orleans OCS Office, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130.

Agenda items include Sales 67/69 Stipulations, Deep Water Technology, and the Regional Transportation Management Plan.

The meeting is open to the public and interested persons may make oral or written presentations. Summary minutes and a taped transcript of the meeting will be available for public inspection at the New Orleans OCS Office not later than 60 days after the meeting.

Further information in regard to this meeting can be obtained from Sydney H. Verinder at the above office, telephone number (504) 589–6541.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

May 28, 1980.

[FR Doc. 80–17031 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–84–M

Initiation of Planning Activity in Powder River Resource Area, Mont.

In accordance with 43 CFR 1601.3(g), notice is hereby given of resource planning activity now underway.

(1) Description of the proposed planning action: Preparation of the Powder River Resource Area Resource Management Plan (RMP). This RMP will be based upon existing statutory requirements and policies and will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). This RMP and accompanying Environmental Impact Statement (EIS) will provide the basis for resource allocations and will define and guide subsequent management decisions within the Headwaters Resource Area. The RMP/EIS is scheduled for completion by October, 1984.

(2) Identification of the geographic area to be planned: The subject area is generally located south of the Yellowstone River and covers all or portions of Custer, Rosebud, Treasure, Big Horn, Powder River, and Carter Counties in Montana. The majority of BLM administered resources in the planning area are interspersed with private resource holdings throughout the Resource Area.

(3) The general types of issues anticipated: The completed plan will make allocations of the various resources present, including (but not limited to) vegetation allocations to domestic livestock, watershed and wildlife based on the Bureau's Site Vegetation Inventory Method. The plan will also address areas of Critical Environmental Concern and Wilderness Study Areas identified through an intensive inventory to be completed by October, 1982.

(4) The disciplines to be represented on the interdisciplinary team will include game and non-game wildlife biology, hydrology, soils science, range management, archeology, recreation, visual resource management, lands, forestry, geology, minerals, economics, and sociology.

(5) The kind and extent of public participation activities to be provided will include: During the inventory phase, public participation will take place on an individual basis between interested

parties and the BLM. As the planning process proceeds, the public will be asked to become more formally involved through workshops, open houses and public meetings. If appropriate, mass mailings will be used to solicit comment on controversial issues. The District Advisory Council will offer their expertise in the plan preparation. Arrangements will be made to involve local planning agencies in the planning process, and state and other federal land management agencies will be contacted to assure maximum coordination of their plans and objectives with the RMP at both regularly scheduled and special meetings.

(6) The times, dates and locations scheduled for public meetings, conferences or other public participation activities will be announced in news media and are underway. Public meetings for issues identification have been or are scheduled to be held in Miles City, Forsyth, Ekalaka, Broadus, Birney, and Hysham. Additionally, an interagency coordination meeting for state, county and local agencies was held in Miles City on May 16. Public review and a 30-day comment period on the RMP criteria are scheduled between December 15, 1980, and January 15, 1981. The criteria will be presented to interest groups and the Advisory Council during that period. Public review of alternative objectives is scheduled for June, 1983 with public review of the RMP/EIS in May, 1984.

(7) The name, title, address, and telephone number of the Bureau of Land Management Official who may be contacted for further information: George Neuberg, District Manager, P.O. Box 940, Miles City, Montana 59301, (406) 232–4331.

(8) The location and ayailability of documents relevant to the planning process will be available for public review in the Miles City District Office, West of Miles City, Montana.

Dated: May 27, 1980.

George S. Neuberg,

District Manager.

[FR Doc. 80–17032 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–84–M

Oregon; Closure to Motorized Vehicles

Notice is hereby given that under the authority of regulations in 43 CFR Part 8340 and in cooperation with the State of Oregon, acting by and through the Oregon Department of Fish and Wildlife, pursuant to an agreement executed jointly under ORS 498.152, and Sec. 307 of the Federal Land Policy Act of 1976 (43 U.S.C. 1937), the below described public lands under the administration of the Bureau of Land Management are designated as closed to vehicle use from August 1 through the general elk season each year. All motorized vehicles are prohibited from entering the closed area except motorized vehicle travel by landowners, law enforcement officials, and authorized individuals for land or wildlife management purposes.

The area affected by this designation and closure notice aggregates approximately 5,840 acres of public lands located 40 miles west of Salem, Oregon, and includes all or parts of the following described lands:

Willamette Meridian

Township 7 South, Range 8 West, Sec. 14, SW¼NW¼, W½SW¼; Sec. 15, E½, E½W½; Sec. 17, E½, NW¼, E½SW¼; Sec. 18, Lots 1, 2, 5, 6, 7, 8, 11, 12, E½; Sec. 19, Lots 1, 2, 5, 6, 7, 8, NE¼, N½SE¼; Sec. 23, W½NW¼; Sec. 28, N½NW¼; Sec. 29, N½NE¼.

Towhship 7 South, Range 9 West, Sec. 2, Lot 3; Sec. 3, SW¼, SW¼SE¼; Sec. 4, E½SE¼, NW¼SE¼; Sec. 5, SW¼SW¼; Sec. 7, Lot 7; Sec. 8, N½, N½SW¼, E½SE¼, NW¼SE¼; Sec. 9, SW¼NE¼, W½W½, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼; Sec. 10, SW¼SW¼; Sec. 16, W½E½, NW¼NW¼, S½NW¼, SW¼; Sec. 17, E½NE¼, S½; Sec. 18, Lots 5, 6, 7, 8, 9, 10, 11; Sec. 19, NE¼NE¼; Sec. 20, NE¼, NW¼SE¼; Sec. 21, Lots 1, 2, 3, 4, 5; Sec. 23, NE¼ SE¼.

A Memorandum of Understanding between the private landowners, the Oregon Department of Fish and Wildlife and the Bureau of Land Management, on which this notice is based, provides for public access by foot or horseback on both public and private lands for big game hunting, and other purposes. The purpose of the closure is to improve the quality of hunting and to improve physical condition of the elk by reducing harassment of these animals. The limited protection of this area will allow greater utilization of the available forage in the clear-cut areas by deer and elk.

Specific restrictions are:

(a) The use of motorized vehicles is prohibited on the described lands during the period August 1 through the general elk season each year except that motor-propelled vehicle travel by the landowner, law enforcement official and authorized individuals for land or wildlife management purposes as stated in the Memorandum of Understanding.

(b) Except for emergency purposes, any entry on closed roads during the period beginning three days prior to and through the general elk season will require a permit from the Oregon Department of Fish and Wildlife.

(c) All roads except those designated as open roads will be closed by the Oregon Department of Fish and Wildlife to travel by use of signs at appropriate locations.

Enforcement of the closure is the responsibility of the Oregon State Police.

Common points of vehicular access thereto will be posted. Maps of the closed area are available at the Salem District Office, Bureau of Land Management, 3550 Liberty Road S., Salem, Oregon 97302, and the Oregon Department of Fish and Wildlife, 1625 NW 17th, Corvallis, Oregon 97330.

This closure shall remain in effect until revised or revoked.

Kenneth W. Jensen,

Acting Salem District Manager.

[FR Doc. 80–17033 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–84–M

Utah; Announcement of Decision on Dirty Devil Unit Protests

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces the Utah State Director's decision on protests received on inventory unit UT–050–236—Dirty Devil. On March 28, 1980, a **Federal Register** notice, Vol. 45, No. 62, pg. 20576 was published indicating the final decision to identify part of this unit as wilderness study areas would not become effective due to protests filed, until the State Director issued a decision on the protests. The State Director's final decision to identify part of this unit as WSAs is now in effect as published in the February 15, 1980 **Federal Register**, Vol. 45, No. 33, pg. 10462. The decision was not changed as a result of the protests, therefore only the protesters may appeal this decision to the Interior Board of Land Appeals.

The portions of the unit not within the wilderness study areas as identified will no longer be subject to the management restrictions imposed by Section 603 of Pub. L. 94–579.

FOR FURTHER INFORMATION CONTACT: Herbert Hunt, BLM Richfield District Office, (801) 896–8221.

Dated: May 29, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 80–17034 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–84–M

Wyoming; Extension of Public Comment Period on Intensive Wilderness Inventory

The Bureau of Land Management is extending the deadline for final decision on the wilderness inventory from

September 30, 1980, to November 15, 1980. Therefore, Wyoming is taking this opportunity to extend the public comment period and additional 6 weeks. The comment period, which was scheduled to close July 7, 1980, is hereby extended to August 19, 1980. This extension will allow the public additional time to review the inventory files, visit the units personally, and make comments on the proposed inventory decisions which were issued in the **Federal Register** (Vol. 45, No. 67) dated April 4, 1980.

Paul D. Leonard,

Acting State Director.

[FR Doc. 80-17035 Filed 6-4-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71365]

Wyoming; Application

May 27, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4¼ inch O.D. pipeline and related facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 96 W.,
Sec. 8, E½SE¼, and NW¼SE¼;
Sec. 9, S½S½;
Sec. 10, SW¼SW¼;
Sec. 13, SW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 14, NW¼NW¼, and S½N½;
Sec. 15, N½N½;
Sec. 24, W½NE¼, NE¼NW¼, and NW¼SE¼.

The proposed pipeline will transport natural gas from the Nicky Unit #2 Well located in the SE¼ of section 24, to a point of connection with an existing pipeline located in the SE¼ of section 8, T. 24 N., R. 96 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-17060 Filed 6-4-80; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf, Eastern Gulf of Alaska; Proposed Oil and Gas Lease Sale No. 55

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior has established a policy pursuant to section 19 of the OCS Lands Act with respect to sale notices to further and enhance consultation with the affected coastal States. That policy includes providing the affected States the opportunity to review the proposed sale notice before its final publication in the **Federal Register**. The following is a proposed sale notice for proposed Sale No. 55 in the offshore waters of the Eastern Gulf of Alaska area. This notice is hereby published as a matter of information to the public. The sale date published in this notice is tentative and could be changed.

Dated: May 30, 1980.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Approved:

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

BILLING CODE 4310-84-M

Proposed Sale Notice

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., October 20, 1980; or by personal delivery to the sale site in Anchorage, Alaska (to be announced) between the hours of 8:30 a.m., a.s.t. and 9:30 a.m., a.s.t., October 21, 1980. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., a.s.t., October 21, 1980. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 45 FR 26827, April 21, 1980, as corrected in 45 FR 27836, April 24, 1980, and 45 FR 28822, April 30, 1980.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., a.s.t., October 21, 1980", must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental of $8 per hectare or fraction thereof. The following systems will be utilized. (These systems are subject to final approval by the Departments of Energy and Interior).

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts 55-138, 55-139, 55-159, 55-160, 55-161, 55-162, 55-182, 55-183, 55-184, 55-185, 55-195, 55-196, 55-205, 55-206, 55-207, 55-208, 55-218, 55-219, 55-228, 55-229, 55-230, 55-231, 55-326, 55-327, 55-328, 55-329, 55-330, 55-341, 55-342, 55-343, 55-344 and 55-345 must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula

described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved removed or sold in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

Figure 1
Form of the Sliding Royalty Schedule

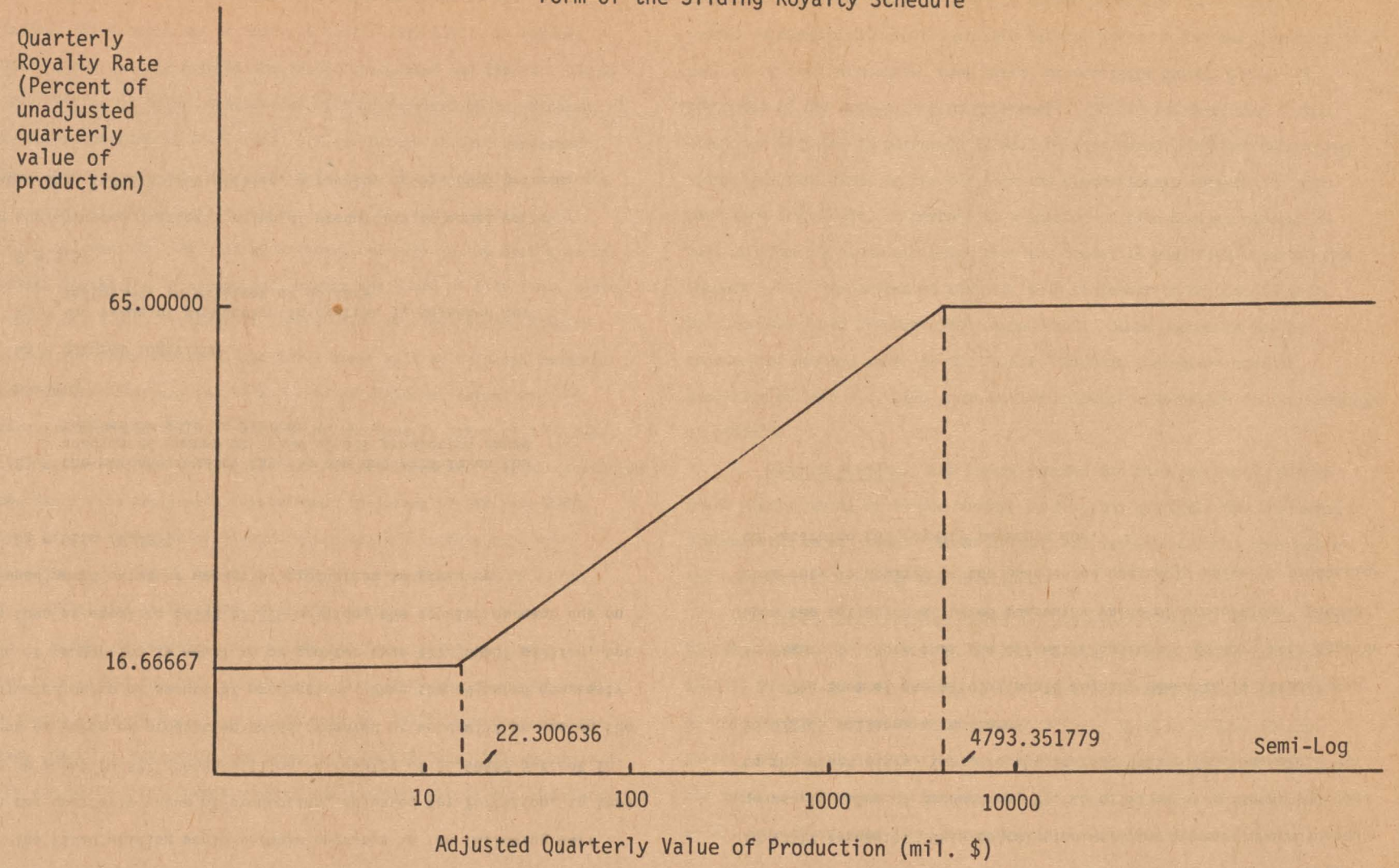

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667%	1.666667
30.000000	200.0	4/3	22.500000	16.74677	5.024031
90.000000	200.0	4/3	67.500000	26.63428	23.970852
270.000000	200.0	4/3	202.500000	36.52179	98.608833
810.000000	200.0	4/3	607.500000	46.40930	375.915330
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	16.66667	5.000001
90.000000	250.0	5/3	54.000000	24.62599	22.163391
270.000000	250.0	5/3	162.000000	34.51350	93.186450
810.000000	250.0	5/3	486.000000	44.40101	359.648181

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).
2 Column (A) divided by Inflation Factor.
3 Column (A) times Column (E). All values are rounded for display purposes only.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 55-78, 55-79, 55-80, 55-104, 55-105, 55-106, 55-130, 55-131, 55-132, 55-151, 55-152, 55-153, 55-163, 55-164, 55-174, 55-175, 55-176, 55-186, 55-187, 55-188, 55-197, 55-198, 55-199, 55-209, 55-210, 55-211, 55-212, 55-220, 55-221, 55-222, 55-232, 55-233, 55-234, 55-235, 55-251, 55-252, 55-253, 55-267, 55-268, 55-269, 55-283, 55-284, 55-285, 55-288, 55-289, 55-290, 55-291, 55-292, 55-293, 55-294, 55-295, 55-296, 55-297, 55-298, 55-299, 55-300, 55-301, 55-304, 55-305, 55-306, 55-307, 55-308, 55-309, 55-310, 55-311, 55-312, 55-313, 55-314, 55-315, 55-316, 55-317, 55-320, 55-321, 55-322, 55-323, 55-324, 55-325, 55-331, 55-332, 55-333, 55-335, 55-336, 55-337, 55-338, 55-339, 55-340, 55-346, and 55-347 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a 1.5 capital recovery factor. The net profit share payment shall be calculated according to the Department of Energy regulations.

(c) Bonus Bidding with a Fixed Constant Royalty. Bids on the remaining tracts must be on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.s.t., October 21, 1980, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on October 21, 1980, beginning at 10 a.m., a.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, October 21, 1980, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510, at $2 each.

(a) Outer Continental Shelf Official Protraction Diagram NO 7-2, Yakutat (approved 10/31/74)

(b) Outer Continental Shelf Official Protraction Diagram NO 7-4, Alsek Valley (approved 9/22/75)

12. Tract Descriptions. The tracts offered for bid are as follows:

NOTE--There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2
(Approved 10/31/74)

Tract No.	Block No.	Description	Hectares
55-75	798	All	2304.00
55-76	799	All	2304.00
55-77	800	All	2304.00
55-78	801	All	2304.00
55-79	802	All	2304.00
55-80	803	All	2304.00
55-81	804	All	2304.00
55-82	805	All	2304.00
55-83	806	All	2304.00
55-84	807	All	2304.00
55-101	842	All	2304.00
55-102	843	All	2304.00
55-103	844	All	2304.00
55-104	845	All	2304.00
55-105	846	All	2304.00
55-106	847	All	2304.00
55-107	848	All	2304.00
55-108	849	All	2304.00
55-109	850	All	2304.00
55-110	851	All	2304.00
55-111	852	All	2304.00
55-127	886	All	2304.00
55-128	887	All	2304.00
55-129	888	All	2304.00
55-130	889	All	2304.00
55-131	890	All	2304.00
55-132	891	All	2304.00
55-133	892	All	2304.00
55-134	893	All	2304.00
55-135	894	All	2304.00
55-136	895	All	2304.00
55-137	896	All	2304.00
55-138	897	All	2304.00
55-139	898	All	2304.00
55-148	930	All	2304.00
55-149	931	All	2304.00
55-150	932	All	2304.00
55-151	933	All	2304.00
55-152	934	All	2304.00
55-153	935	All	2304.00
55-154	936	All	2304.00
55-155	937	All	2304.00
55-156	938	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2, continued

Tract No.	Block No.	Description	Hectares
55-157	939	All	2304.00
55-158	940	All	2304.00
55-159	941	All	2304.00
55-160	942	All	2304.00
55-161	943	All	2304.00
55-162	944	All	2304.00
55-163	945	All	2304.00
55-164	946	All	2304.00
55-172	975	All	2304.00
55-173	976	All	2304.00
55-174	977	All	2304.00
55-175	978	All	2304.00
55-176	979	All	2304.00
55-177	980	All	2304.00
55-178	981	All	2304.00
55-179	982	All	2304.00
55-180	983	All	2304.00
55-181	984	All	2304.00
55-182	985	All	2304.00
55-183	986	All	2304.00
55-184	987	All	2304.00
55-185	988	All	2304.00
55-186	989	All	2304.00
55-187	990	All	2304.00
55-188	991	All	2304.00
55-195	1019	All	2304.00
55-196	1020	All	2304.00
55-197	1021	All	2304.00
55-198	1022	All	2304.00
55-199	1023	All	2304.00
55-200	1024	All	2304.00
55-201	1025	All	2304.00
55-202	1026	All	2304.00
55-203	1027	All	2304.00
55-204	1028	All	2304.00
55-205	1029	All	2304.00
55-206	1030	All	2304.00
55-207	1031	All	2304.00
55-208	1032	All	2304.00
55-209	1033	All	2304.00
55-210	1034	All	2304.00
55-211	1035	All	2304.00
55-212	1036	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, ALSEK VALLEY NO 7-4
(Approved 9/22/75)

Tract No.	Block No.	Description	Hectares
55-218	7	All	2304.00
55-219	8	All	2304.00
55-220	9	All	2304.00
55-221	10	All	2304.00
55-222	11	All	2304.00
55-223	12	All	2304.00
55-224	13	All	2304.00
55-225	14	All	2304.00
55-226	15	All	2304.00
55-227	16	All	2304.00
55-228	17	All	2304.00
55-229	18	All	2304.00
55-230	19	All	2304.00
55-231	20	All	2304.00
55-232	21	All	2304.00
55-233	22	All	2304.00
55-234	23	All	2304.00
55-235	24	All	2304.00
55-240	54	All	2304.00
55-241	55	All	2304.00
55-242	56	All	2304.00
55-243	57	All	2304.00
55-244	58	All	2304.00
55-245	59	All	2304.00
55-246	60	All	2304.00
55-247	61	All	2304.00
55-248	62	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, Alsek Valley NO 7-4, continued

Tract No.	Block No.	Description	Hectares
55-249	63	All	2304.00
55-250	64	All	2304.00
55-251	65	All	2304.00
55-252	66	All	2304.00
55-253	67	All	2304.00
55-254	68	All	2304.00
55-255	69	All	2304.00
55-256	98	All	2304.00
55-257	99	All	2304.00
55-258	100	All	2304.00
55-259	101	All	2304.00
55-260	102	All	2304.00
55-261	103	All	2304.00
55-262	104	All	2304.00
55-263	105	All	2304.00
55-264	106	All	2304.00
55-265	107	All	2304.00
55-266	108	All	2304.00
55-267	109	All	2304.00
55-268	110	All	2304.00
55-269	111	All	2304.00
55-270	112	All	2304.00
55-271	113	All	2304.00
55-272	142	All	2304.00
55-273	143	All	2304.00
55-274	144	All	2304.00
55-275	145	All	2304.00
55-276	146	All	2304.00
55-277	147	All	2304.00
55-278	148	All	2304.00
55-279	149	All	2304.00
55-280	150	All	2304.00
55-281	151	All	2304.00
55-282	152	All	2304.00
55-283	153	All	2304.00
55-284	154	All	2304.00
55-285	155	All	2304.00
55-286	156	All	2304.00
55-287	157	All	2304.00
55-288	186	All	2304.00
55-289	187	All	2304.00
55-290	188	All	2304.00
55-291	189	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, Alsek Valley NO 7-4, continued

Tract No.	Block No.	Description	Hectares
55-292	190	All	2304.00
55-293	191	All	2304.00
55-294	192	All	2304.00
55-295	193	All	2304.00
55-296	194	All	2304.00
55-297	195	All	2304.00
55-298	196	All	2304.00
55-299	197	All	2304.00
55-300	198	All	2304.00
55-301	199	All	2304.00
55-302	200	All	2304.00
55-303	201	All	2304.00
55-304	230	All	2304.00
55-305	231	All	2304.00
55-306	232	All	2304.00
55-307	233	All	2304.00
55-308	234	All	2304.00
55-309	235	All	2304.00
55-310	236	All	2304.00
55-311	237	All	2304.00
55-312	238	All	2304.00
55-313	239	All	2304.00
55-314	240	All	2304.00
55-315	241	All	2304.00
55-316	242	All	2304.00
55-317	243	All	2304.00
55-318	244	All	2304.00
55-320	274	All	2304.00
55-321	275	All	2304.00
55-322	276	All	2304.00
55-323	277	All	2304.00
55-324	278	All	2304.00
55-325	279	All	2304.00
55-326	280	All	2304.00
55-327	281	All	2304.00
55-328	282	All	2304.00
55-329	283	All	2304.00
55-330	284	All	2304.00
55-331	285	All	2304.00
55-332	286	All	2304.00
55-333	287	All	2304.00
55-335	318	All	2304.00
55-336	319	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, Alsek Valley NO 7-4, continued

Tract No.	Block No.	Description	Hectares
55-337	320	All	2304.00
55-338	321	All	2304.00
55-339	322	All	2304.00
55-340	323	All	2304.00
55-341	324	All	2304.00
55-342	325	All	2304.00
55-343	326	All	2304.00
55-344	327	All	2304.00
55-345	328	All	2304.00
55-346	329	All	2304.00
55-347	330	All	2304.00

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on form 3300-1 (September 1978), available from the Manager, Alaska Outer Continental Shelf Office, at the address stated in paragraph 2. For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4, Form 3300-1 will be amended as follows:

Sec. 6. Royalty on Production. (a) The lessee agrees to pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

For leases resulting from this sale for tracts offered on a cash bonus basis within a fixed net profit share, listed in paragraph 4(b), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Fixed Net Profit Share. The lessee agrees to pay a net profit share rate of 40 percent with a 1.50 capital recovery factor.

Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager, Field Operations, Alaska Region, U.S. Geological Survey and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management.

Stipulation No. 1.

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as a "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and the Manager for review.

If such cultural resource indicators are present, the lessee shall (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager, for their review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the lease area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2.

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DCM. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated and implemented by qualified instructors experienced in pertinent fields of study, and shall employ effective methods to insure that personnel understand and use techniques necessary to preserve archaeological, geological, and biological resources including bird and sea mammal rookeries, and insuring avoidance and non-harassment of wildlife resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3.

Pipelines will be required, (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of any intergovernmental coordinating committee.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms, geohazards, and other hazards as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972, as amended (46 U.S.C. 391a).

Stipulation No. 4.

(a) Wells: Subsea well-heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl

gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures along with water depths, shall be submitted to the Supervisor. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ± 50 ft (15.25 m) at 200 mi (322 kms).

(b) Pipelines: All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need for values, anodes or other structures, they shall be protected in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 5.

(To be included only in the leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice)

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, U.S. Geological Survey, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16-2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

14. Information to Lessees. Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties. The lessee should contact the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate, regarding potential impacts of lease activities with regard to these laws.

To reduce the impacts of aircraft disturbance at seabird colonies and marine mammal rookeries along the coast, a distance of at least one-half mile from the coastline and an altitude of 1500 feet should be maintained from Yakutat Bay to Dry Bay during the period of May 1 to September 15. Lessee is advised that all violations may be reported to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or the Alaska Department of Fish and Game, as appropriate, for disposition. Human safety will take precedence over the provisions of these restrictions.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Bidders are advised that the United States reserves the right to designate necessary fairways through some leased tracts pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1223(c)).

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale, or a fixed net profit share.

Bidders for these tracts should recognize that the Department of Energy is authorized under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

17. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Alaska Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

[FR Doc. 80-17042 Filed 6-4-80; 8:45 am]
BILLING CODE 4310-84-C

Fish and Wildlife Service

Heritage Conservation and Recreation Service

Alaska; Availability of Final Environmental Impact Statements and Supplements

AGENCY: U.S. Fish and Wildlife Service, Interior and Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that pursuant to section 102(2)(c) of the National Environmental Policy Act, the U.S. Fish and Wildlife Service has prepared a Final Environmental Impact Statement for a proposal to conserve the fish, wildlife and habitat values of the Alaska Peninsula, Alaska through designation of an Alaska Peninsula National Wildlife Refuge. The Service also has prepared a Final Supplement to the 1974 Department of Interior Environmental Impact Statement for designation of an Iliamna National Resource Range in Alaska.

Notice also is given that the Heritage Conservation and Recreation Service has prepared a Final Environmental Impact Statement and Supplement for proposals to protect the natural environment within a four mile corridor along eleven rivers in Alaska.

DATE: No final decision will be made on these proposals until July 7, 1980.

FOR FURTHER INFORMATION CONTACT:

National Wildlife Refuge and Resource Range Proposals

Burkett Neely, Acting Chief, ANCSA Staff, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202) 343–7533.

Wild and Scenic Rivers

John Haubert, Outdoor Recreation Planner, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20240 (202) 343–4793.

Supplementary Information: On February 5, 1980, a Notice of Intent to Prepare Environmental Impact Statements and Supplements for the Alaska Peninsula and Iliamna areas of Alaska and for 11 Alaska river corridors was published in the **Federal Register.** Significant comments received on the additional issues to be covered in the scope of the analyses were incorporated in the draft statements and supplements.

On March 12, 1980, a notice of availability of Draft Environmental Impact Statements/Supplements for these areas was issued. Comments received pursuant to that Notice were incorporated in the final statements and supplements.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C 4332(2)(c)), these documents analyze the significant environmental impacts of actions proposed in current Congressional consideration for designating new or additions to units of the National Wildlife Refuge and Wild and Scenic Rivers Systems in Alaska. These documents also describe reasonable alternatives available to the Executive Branch which could approximate the natural resources protection that would be afforded under legislative proposals, as well as a no action alternative.

One final environmental impact statement analyzes the environmental consequences of Congressional designation of the approximately 3.5-million-acre Alaska Peninsula National Wildlife Refuge to be administered by the U.S. Fish and Wildlife Service to ensure continued protection and management of nationally and internationally significant fish and wildlife and their habitats and the perpetuation of public benefits associated with these resources. Alternatives include no action; designation of all or portions of the area as a Congressionally established Wilderness; Executive Branch establishment of a national wildlife refuge or national wildlife monument; and alternatives for increasing or decreasing the size of the proposal.

The final supplement to the 1974 Environmental Impact Statement for the Iliamna National Resource Range discusses Executive Branch alternative actions to protect and manage the fishery, watershed and other natural values of the area. These alternatives analyze the impacts of creating a 5.5-million-acre national wildlife refuge or a national wildlife monument to be administered by the U.S. Fish and Wildlife Service. The no action alternative of the 1974 document has been updated to reflect the Bureau of Land Management's current authorities and mandates under the Federal Land Policy and Management Act of 1976 (FLPMA). A State management alternative is described also.

The final environmental statement/supplement for 11 Alaska river corridors evaluates the impact of protecting the natural environment within a four mile corridor along the Alagnak, Birch Creek, Delta, Fortymile, Gulkana, Kisaralik, Koyuk, Melozitna, Nuyakuk, Susitna and Unalakleet Rivers. Considered are: Congressional designation of 7 rivers as components of the National Wild and Scenic Rivers System and authorization for study for this potential purpose for the remaining 4 rivers; administrative withdrawal of the corridors under section 204(c) of FLPMA for up to 20 years from appropriation under the public land laws, mining and mineral leasing laws and from selection by the State of Alaska under its Statehood Act; and a no action alternative.

Copies of the three Final Environmental Statements and/or Supplements are available for review in major libraries across the Nation or can be reviewed or obtained at the following locations: Washington (ANCSA Staff Office for Fish and Wildlife Service; Public Affairs Office for Heritage Conservation and Recreation Service), and the Regional and Area Offices of the U.S. Fish and Wildlife Service and the Heritage Conservation and Recreation Service throughout the Nation.

The primary author of this notice is Christine Enright, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: June 2, 1980.

David F. Hales,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 80-16894 Filed 6-4-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Conservation Division; Equipment Standard for the Second Valve in the Flow Stream Used in Subsea Completions

The purpose of this Notice is to advise the public of the U.S. Geological Survey's intent to establish an equipment standard for the second valve in the flow stream used in subsea completions and to solicit public comments on the content of this standard. This action is being taken since it has been determined that API SPEC 14D does not apply to the second valve in the flow stream in a subsea completion. The standard will address the following areas of design, manufacture, and test:

1. Scope.

2. Design and Manufacture—A. General, B. Valve Design, C. Actuator Design, D. Lockopen Devices.

3. Material Requirements A. Metals—1. Class of Service, 2. Environment, 3. Traceability.

B. Nonmetals—1. Elastomers, 2. Environment, 3. Traceability.

4. Testing—A. Qualification (Performance), B. Functional, C. Requalification.

5. Marking, Documentation, and Shipping—A. OCS Identification, B. Manufacturer Identification, C. Data Package.

DATES: Comments and recommendations must be received by August 4, 1980.

ADDRESS: Comments and recommendations should be addressed to the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center—Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. M. L. Courtois, U.S. Geological Survey, Conservation Division, National Center—Mail Stop 640, Reston, Virginia 22092, (703) 860–7531.

Dated: May 29, 1980.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation.

[FR Doc. 80–17036 Filed 6–4–80; 8:45 am]

BILLING CODE 4310–31–M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 80–30569 appearing in the issue of Wednesday, October 3, 1979, on page 57006, second column, third complete paragraph starting MC 119741 (Sub-228TA), Applicant: Green Field Transport Company, Inc., line 9, "MO, OK," should be corrected to read "MO, OH, OK,".

BILLING CODE 1505–01–M

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 80–37330 appearing in the issue of Wednesday, December 5, 1979, on page 70030, first column, last paragraph, line 10, of paragraph starting MC 134790 (Sub-8TA), Applicant: Daniel C. Haffner, "LA" should be corrected to read "AL".

BILLING CODE 1505–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–8473 appearing in the issue of Thursday, March 20, 1980, on page 18145, second column, second line of paragraph starting MC 87511 (Sub–26F), Applicant: SAIA MOTOR FREIGHT LINE, INC., correct "Savine" to read "Sabine".

BILLING CODE 1505–01–M

[Ex Parte No. MC–96 (Sub-No. 5)]

Passenger Broker "Tauck" Conditions; Proposed Policy Statement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy statement.

SUMMARY: The Commission proposes to adopt a policy statement which would change the so-called *Tauck* policy to (1) allow passenger brokers to collect commissions from motor carriers of passengers in all circumstances and (2) drop several antiquated contractual requirements. The *Tauck* policy established that a passenger broker could employ the services of a carrier with charter authority even when the broker assembled the group on its own. The broker, however, had to meet certain conditions including the requirement that tour brokers designate the broker as an agent for the group, and that the transportation contract reflect this fact. The broker was also precluded from collecting a commission from the carrier.

The Commission believes that these requirements rested on legal fictions that no longer need be used; that the broker and carrier should not be restrained in their private contractual dealings with regard to commissions; and that generally the *Tauck* rules no longer serve any purpose.

DATES: Comments shall be submitted on or before July 7, 1980.

ADDRESSES: An original and 15 copies, if possible, should be sent to: Ex Parte No. MC–96 (Sub-No. 5), Room 5416, Office of Proceedings Interstate Commerce Commission, Washington, DC 20423.

FOR FUTHER INFORMATION CONTACT: Peter Metrinko, 202–275–7885 or Donald J. Shaw, Jr., 202–275–7292.

SUPPLEMENTARY INFORMATION: In the *Tauck* Cases [1] the Commission allowed passenger brokers to employ the services of motor carriers with charter authority even when the broker assembled the passengers on an individual basis, as long as the following conditions were met: (1) The trip qualified as a tour, (2) each tour patron at the time of joining the tour group must in writing, designate and accept the broker as agent for the tour group for the purpose of arranging the transportation, (3) the contract negotiated with the carrier by the broker must be between the carrier and the group members collectively, (4) the carrier must be paid its full published charter fare, and (5) the broker cannot receive a commission from the carrier in this situation.

The *Tauck* cases were an important step in the development of the tour broker industry, for they authorized tour brokers to use the services of charter carriers (rather than only carriers holding special operations authority allowing transportation of purchasers of individual tickets) when a broker assembled a group of previously unaffiliated individuals on its own. Before *Tauck*, brokers could use carriers with charter authority only if they were booking tours for a pre-formed group.

The *Tauck* cases employed a legal fiction—that the broker was the agent of the group—to achieve this liberalization. As the "agent" for the tour group, however, the broker was ineligible to receive a commission from the carriers.

We propose to eliminate the conditions numbered above as 2, 3 and 5. The trip must still qualify as a tour, and not be mere point-to-point transportation. The carrier must also be paid its full published charter fare. The carrier may agree, however, to pay the broker a fee. Payment of the fee may occur at any time during the transaction. If the carrier expressly agrees, the broker may deduct a commission from the fare.

The practice of using charter carriers has continued for many years with beneficial effects for all parties. This being so, there appears to be no reason to require the tour patron to designate the broker as an agent in writing, nor to specify that the contract must be between the carrier and the group members collectively.

We also do not believe that it is improper for the broker to collect a commission from the carrier, if the carrier agrees. The "rebate" theory expressed in the *Tauck* decisions was based on the legal fiction that the broker was an agent for the group. As a practical matter, the carrier may desire to pay a commission where it perceives that it will receive a benefit for doing so. There is no sound regulatory reason for us to become involved in the private arrangements between the broker and the carrier.

The current prohibition appears even more illogical when one considers that

[1] *Tauck Tours, Inc., Extension-New York, N.Y.*, 49 M.C.C. 491 (1949); 52 M.C.C. 373 (1951); 54 M.C.C. 291 (1952); 63 M.C.C. 493 (1955); *aff'd sub nom. National Bus Traffic Association* v. *United States*, 143 F. Supp. 689 (D.N.J. 1956); *aff'd per curiam*, 352 U.S. 1020.

the broker may receive a commission in all other circumstances, such as (1) when it uses a carrier with special operations authority, or (2) where it acts as an intermediary between a carrier with charter authority and a preformed group, the charter contract being between the carrier and the group, and the charges paid directly by the group to the carrier. See *Passenger Brokers Affiliated with Motor Carriers*, 120 M.C.C. 656, 657 (1974).

We see no reason to continue to impose the *Tauck* conditions in licenses or grants of broker authority, or to require observance of those conditions, when their sole purpose appears to be to justify legal form over substance. Cf. *Fox Smythe Transportation Co., Ext.—Oklahoma*, 106 M.C.C. 1 (1967).

The *Tauck* policy was subject to review in the *National Bus* case, *supra*. The court approved the policy, but plainly did not see the necessity of employing the legal fictions, *supra*, 696. The court added that there was nothing in the Motor Carrier Act to indicate that all-expense tour operators were to be prohibited from employing charter buses.

Accordingly, we propose the following policy statement:

> The Commission has in the past issued passenger broker decisions and licenses with admonitions or express conditions that the holder observe the *Tauck* conditions, referring to *Tauck Tours, Inc., Extension—New York, N.Y., 54 M.C.C. 291* (1952). Passenger brokers need no longer abide by those conditions, and they will not be imposed in the future. It is sufficient for a passenger broker employing a motor carrier with charter operations authority to be conducting a bona fide tour and to pay the carrier its full published charter fare. If the carrier expressly agrees, the broker may deduct a commission from the fare charged.

Since we recognize that we are proposing to change a long established policy, we invite comments from the public. Our final decision will take into consideration the comments received.

This proceeding does not appear to be a major Federal action significantly affecting energy consumption or the quality of the human environment.

Issued under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321.

Decided: May 28, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioner Gilliam absent and not participating.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-17057 Filed 6-4-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-64 (Sub-No. 2A)]

Special Temporary Authority Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposal to issue a decision setting out additional categories to be handled by special temporary authority procedures.

SUMMARY: The Commission proposes to add categories of factual situations to be handled by the special temporary authority procedures adopted in Ex Parte No. MC-64 (Sub-No. 2). These appear to be recurrent problems where a need for service has consistently been found under 49 U.S.C. 10928. The action is proposed so that the Commission may react to the special situations in a more efficient and timely manner.

DATES: Written comments should be filed with the Commission on or before July 7, 1980.

ADDRESSES: Send an original and, if possible, 15 copies of comments to: Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, (202) 275-7292.

SUPPLEMENTARY INFORMATION: The Commission, on May 8, 1980, adopted special temporary authority (TA) procedures in Ex Parte No. MC-64 (Sub-No. 2) to ensure that emergency needs can be met on an expedited basis. In that decision, a general finding was made that there will be an immediate need for motor carrier service under five emergency situations. The purpose of this proceeding is to consider adding more categories of emergency situations which can be handled under the special procedures.

Under the Special TA Procedures, an applicant seeking authority can contact the ICC field office having jurisdiction over the applicant's domicile. If the ICC field official determines that an applicant qualifies under one of the adopted categories of emergency situations, the field representative may authorize the commencement of transportation services without further consultation with an employee Board. The grant of temporary authority under the Special TA Procedures is effective for the period determined by the field official to be necessary to satisfy the particular immediate need, but may not exceed 30 days. Should the applicant foresee a continuing need, it may file an application under regular procedures which will be handled by an employee Board.

The additional categories of emergency situations which are proposed to be added to the five previously adopted are:

(1) Applications by a carrier, with no applicable authority, seeking to meet a transportation need created by the interruption or discontinuance of services of a presently authorized carrier or carriers due to fuel shortages. This category includes situations which would occur when existing service is interrupted or discontinued because of the authorized carriers' inability to obtain sufficient amounts of fuel and a carrier which is not authorized to handle the traffic, but has a sufficient reserve of fuel, seeks to provide the service.

The questions to be addressed by the shipper under this category are whether service is being provided, and, if not, whether the relief sought would allow provision of needed service. The question to be addressed by applicant is whether the service to be provided would be fuel efficient.

(2) Applications by a presently authorized carrier, who is in imminent danger of interruption or discontinuance of its service due to fuel shortages, to restructure its routes to improve its fuel efficiency.

The questions to be addressed by applicant under this category are: (a) Whether service is being provided, (b) whether the relief sought would allow provision of needed service, (c) whether the service to be provided would be fuel efficient, and (d) whether the service to be provided by a carrier already transporting the traffic involved would improve its fuel efficiency by a grant of authority. No shipper statement would be required.

(3) Additional transportation services required by a particular shipping industry during peak shipping periods, usually on a seasonal basis. For example: "meat and packing house products described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209 and 766, during the period of time running from October 1 through March 31". Specific additional industries and peak time periods will be determined by the comments.

(4) Failure or lack of storage facilities for commodities, other than perishable commodities, which would cause a complete plant shutdown unless the commodities can be moved.

(5) Shortage of commodities necessary for use in shipper's production which would cause a complete plant shutdown if the commodities are not received.

(6) Opening of a new plant site in an area in which the shipper certifies that no service is available.

(7) Discontinuance or loss of an interline arrangement. Applicant would be required to furnish information required under Ex Parte No. MC–109, 49 CFR 1062.2. It would be required to demonstrate that the joint-line service was bona-fide and substantial, and that it was not responsible for the cancellation of the joint-line service. A statement of no objection could also be required from the carriers which have participated with applicant in the involved joint-line service during the one-year period preceding the filing of the application. Using those rules, no shipper certification would be required, which would relieve the applicant of the necessity of obtaining the many shipper statements often required in this type of application.

(8) Civil disturbances involving violence or threats of violence resulting in interruption or discontinuance of existing carrier service.

(9) Situations in which a carrier presently serving the shipper seeks to transport new or unusual commodities which its customer-shipper begins to manufacture or ship, and the shipper certifies that no carrier holds authority to transport the new or unusual commodity.

(10) Situations in which the applicant and shipper certify that there is no carrier with appropriate authority to transport the commodity from one single point to another single point.

(11) Situations in which the shipper certifies that there is an immediate need which cannot reasonbly be met by existing carriers, and provides statements from all carriers that have served it in the year preceding the filing of the application that they do not oppose the application.

With the adoption of the additonal categories above, it will be unnecessary to require that a specific finding of need be made in each instance by an employee Board. As in Ex Parte No. MC–64 (Sub-No. 2), the Commission would issue a decision, which will include a general finding that there will be an immediate need for motor carrier service under the additional "emergency" situations enumerated above. When an applicant or its shipper shows that a situation falls under one of the categories, the field officer will be able to authorize the commencement of transportation services.

The grant of emergency temporary authority would be conditioned upon compliance with applicable requirements for grants of temporary authority concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process.

Service performed under special temporary authority granted under these procedures would in no way constitute evidence or a showing warranting future issuance of a certificate of public convenience and necessity or permit, as provided in 49 U.S.C. 10922 (formerly section 207(a) of the Interstate Commerce Act) and 49 U.S.C. 10923 (formerly section 209(b) of the Interstate Commerce Act).

We do not foresee that the proposed rule will have an adverse effect on the quality of the human environment. This is, however, to some extent a major regulatory action under the Energy Policy and Conservation Act of 1975. Under some of the proposed categories, affected carriers will be able to improve their operating efficiencies, which will lead to an energy savings. However, it is extremely difficult to quantify the potential energy savings at this time. We believe that the rules will have no adverse energy impact and can be expected to produce fuel savings. We request that all interested persons specifically comment on the energy policy and conservation issue. A more detailed energy analysis will be issued subsequently.

Public Invited To Comment

The public is invited to comment on the specific situations identified and other situations which might be included. (An original and 15 copies, if possible, should be submitted.)

This notice is issued under authority contained in 49 U.S.C. 10321(a) and 10928, and 5 U.S.C. 553.

Dated: May 8, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Stafford dissenting with a separate expression. Commissioner Clapp concurring.

Agatha I. Mergenovich,

Secretary.

Commissioner Stafford Dissenting

Why the majority insists on proposing to add eleven new categories to the special temporary authority procedures is puzzling. Until we gain experience under the "original five categories", the question of expanding the list of categories is premature and speculative—all at considerable expense, time and effort to interested parties.

Moreover, the desirability of further expanding the categories has not been considered in the context of our increased efficiency in handling ETAs and TAs.

[FR Doc. 80–17058 Filed 6–4–80; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–62 (Final) and 701–TA–63 (Final)]

Textiles and Textile Products of Cotton from Pakistan; Scheduling of Hearing

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that:

(a) Public hearing date changed to 10 a.m., e.d.t., Friday, June 27, 1980, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C.,

(b) Prehearing staff report will be available to the parties on Thursday, June 5, 1980, and

(c) Prehearing statements are due from parties by Thursday, June 19, 1980.

FOR FURTHER INFORMATION CONTACT: Vera Libeau, the Senior Investigator assigned by the Commission to this investigation, telephone (202) 523–0368.

SUPPLEMENTARY INFORMATION: The Commission instituted investigation No. 701–TA–62 (Final) effective April 8, 1980 (45 FR 25977, April 16, 1980) and instituted investigation No. 701–TA–63 (Final) effective May 2, 1980 (45 FR 31834, May 14, 1980), pursuant to section 705(b)(1) of the Tariff Act of 1930. Those notices incorporated a tentative hearing date of June 25, 1980, which has been changed at the request of the parties to June 27, 1980.

By order of the Commission.

Issued: June 3, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–17259 Filed 6–4–80; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Circuit Judge Nominating Commission, Seventh Circuit Panel

May 29, 1980.

Chairman: Justin A. Stanley.

The Seventh Circuit Panel of the United States Circuit Judge Nominating Commission will hold its last meeting on Monday, June 30 at 9:30 a.m.; July 1 at 9:00 a.m. and if necessary on July 2 at 9:00 a.m. in Room 2781 of the Federal Building, 219 South Dearborn Street, Chicago, Illinois. The meeting will be devoted to interviewing candidates and will be closed to the public pursuant to

Pub. L. 92–463, section 10(d) as amended. [CF 5 U.S.C. 552b(c)(6)].

Phillip B. Cover,

Committee Management Control Officer.

[FR Doc. 80–17056 Filed 6–4–80; 8:45 am]

BILLING CODE 4410–01–M

Bureau of Justice Statistics

Program JS–1: Solicitation Regarding a Grant and Cooperative Agreement Program To Establish State-Level Capability for Statistical Analysis in Criminal Justice

The Bureau of Justice Statistics announces a program of grants and cooperative agreements to establish state-level centers for the analysis of statistics on crime and criminal justice. The functions of these centers will be to collect, analyze, and interpret data on criminal justice; produce statistical reports on crime, criminal offenders, and the criminal justice system; provide and coordinate technical assistance to state and local agencies and the courts in statistics and related areas; provide the state government and local governments with access to Federal resources in criminal justice statistical information; promote the development of criminal justice statistical systems in the state; and provide data to the Bureau of Justice Statistics for national compilations.

Awards will be made to appropriate state agencies. The center must be authorized by state legislation or by executive order, preferably the former. The state must be prepared to assume financial support of the center when Federal funding ends.

This does not preclude the center from receiving awards for subsequent periods to develop data required by the Bureau of Justice Statistics.

In a number of states, criminal justice statistical analysis centers already have been established under the Comprehensive Data Systems (CDS) program which was conducted by the Law Enforcement Assistance Administration. These centers were eligible to receive up to four years of Federal funding, with a reduced amount for the fourth year. Such centers, if they have received fewer than four years of Federal funding, may submit applications for amounts up to the equivalent of their remaining eligibility under the CDS program ($61,000 to $175,000, depending upon the state's population and the number of grants that the center has received). The duration of such awards will be one year.

If a center has used up its eligibility for grants under the CDS program and the state is committed firmly to assuming the financial support of the center, but there is a gap between the expiration of the last CDS grant and availability of funds from the state, an application for interim funding may be submitted. Such an award will not exceed six months in duration. The amount will depend upon the length of the period of interim funding and the center's operating budget, but will not exceed $85,000. Such an award will be made only if the center is operating effectively in the opinion of the Bureau of Justice Statistics.

A state which has not created a criminal justice statistical analysis center under the CDS program may submit an application for establishing a new center. Such an application must include documentation of the state's authorization for the center and of the state's intention to assume its financial support after Federal funding ends. Awards will be of one year's duration. The estimated range of funding is $50,000 to $150,000.

Awards in this program will include both grants and cooperative agreements. In general, new centers and centers which have not yet achieved full operational capability will be funded by means of grants, while cooperative agreements will be used to support centers that are fully established. The cooperative agreements will include specific products to be supplied to the Bureau of Justice Statistics.

Since work produced under these grants and cooperative agreements will be useful to the state as well as to the Bureau of Justice Statistics, it is expected that the level of effort shown in the application will not be limited to the amount of the requested Federal award, but will include services, facilities, or funds to be contributed by the applicant.

Applications for this program may be submitted to the Bureau of Justice Statistics at any time before May 31, 1981. Each application will be reviewed and processed as soon as it is received.

Further information and copies of the solicitation may be obtained from G. Paul Sylvestre, Chief, State Statistical Programs Branch, Bureau of Justice Statistics, 633 Indiana Avenue, NW., Washington, D.C. 20531; phone (301) 492–9066.

Dated: June 2, 1980.

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

Approved:

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 80–17089 Filed 6–4–80; 8:45 am]

BILLING CODE 4410–18–M

Program JS–2: Solicitation Regarding a Cooperative Agreement Program To Provide State and Local Governments With Access to Federal Informational Resources in Criminal Justice

The Bureau of Justice Statistics announces a statistical cooperative agreement program to establish and maintain a State-level capability for providing the State government and local governments with access to Federal resources in criminal justice statistical information and other information that is useful in planning, implementing, and evaluating criminal justice programs. In each participating State, the agency that implements the program will serve as a point of contact for the Bureau of Justice Statistics, and for State agencies, local government agencies, the courts, and non-governmental organizations in informing them of the availability of Federal informational resources, assisting them in determining their needs for specific statistical and other information, and disseminating information received from the Bureau of Justice Statistics and other Federal sources. The implementing agency will maintain liaison with the Bureau of Justice Statistics to keep informed of the availability of information from Federal resources, receive such information for dissemination within the State, and advise the Bureau of Justice Statistics in developing statistical information to best meet the needs of the State's criminal justice community.

Applications for cooperative agreements are solicited from State-level agencies which deal with statistics pertaining to the entire criminal justice system within the State. However, no State will be eligible for funding in this program at the same time that it is funded in Program JS–1, "Solicitation Regarding a Grant and Cooperative Agreement Program to Establish State-Level Capability for Statistical Analysis in Criminal Justice," or at the same time that it has a Statistical Analysis Center that is receiving funds under the Law Enforcement Assistance Administration's Comprehensive Data Systems program. Awards will be contingent upon the organizational

integrity and technical competence of the applicant.

It is anticipated that awards will be made to between 15 and 25 States, with funding support of approximately $10,000 to $25,000 and a duration of one year. Applications may be submitted to the Bureau of Justice Statistics at any time before May 31, 1981. Each application will be reviewed and processed as soon as it is received.

Since the work done under these cooperative agreements will be useful to the State as well as to the Bureau of Justice Statistics, it is expected that the level of effort shown in the application will not be limited to the amount of the requested Federal award, but will include services, facilities, or funds to be contributed by the applicant.

Further information and copies of the solicitation may be obtained from G. Paul Sylvestre, Chief, State Statistical Programs Branch, Bureau of Justice Statistics, 633 Indiana Avenue NW., Washington, D.C. 20531; phone (301) 492-9066.

Dated: June 2, 1980.

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

Approved:

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 80-17090 Filed 6-4-80; 8:45 am]

BILLING CODE 4410-18-M

Program JS-3: Solicitation Regarding a Cooperative Agreement Program To Collect State-Level Offender Based Transaction Statistics (OBTS) Data

The Bureau of Justice Statistics announces a statistical cooperative agreement program to collect data on the processing of offenders by the criminal justice system from statewide Offender Based Transaction Statistics (OBTS) systems. The data will be provided on magnetic tape in formats specified by the Bureau of Justice Statistics. Each tape or set of tapes will cover the processing of all persons in the state arrested for serious crimes whose cases, during a complete calendar year, achieved final disposition in the courts or were otherwise terminated. The Bureau of Justice Statistics will use the data in conducting multi-state analyses of the operation of the criminal justice system.

Applications for cooperative agreements are solicited primarily from state-level agencies which deal with criminal justice statistics and which are responsible for producing or coordinating the production of OBTS data. Where no appropriate state-level program exists or is under development, the Bureau of Justice Statistics will entertain applications from metropolitan areas or combinations of metropolitan areas which account for a substantial percentage of the serious offenses committed in the state. Awards will be contingent upon the organizational integrity and technical competence of the applicant. It is anticipated that awards will be made to between 15 and 25 states, with funding support not exceeding $15,000 for each award and a maximum duration of one year. Applications may be submitted to the Bureau of Justice Statistics at any time before May 31, 1981. Each application will be reviewed and processed as soon as it is received.

Since data produced under these cooperative agreements will be useful to the state as well as to the Bureau of Justice Statistics, it is expected that the level of effort shown in the application will not be limited to the amount of the requested Federal award, but will include services, facilities, or funds to be contributed by the applicant.

Further information and copies of the solicitation may be obtained from G. Paul Sylvestre, Chief, State Statistical Programs Branch, Bureau of Justice Statistics, 633 Indiana Avenue, NW., Washington, D.C. 20531; phone (301) 492-9066.

Dated: June 2, 1980.

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

Approved:

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 80-17091 Filed 6-4-80; 8:45 am]

BILLING CODE 4410-18-M

Program JS-4: Solicitation Regarding a Cooperative Agreement Program To Collect Statewide Data on Adult Probation

The Bureau of Justice Statistics announces a statistical cooperative agreement program to collect data on probation in the states. The data to be supplied to the Bureau will cover all adult probation activities (except Federal probation) in the state for a complete calendar year. The data will include, but will not necessarily be limited to, the number and selected characteristics of probationers and their status, movement of persons into and out of probation, the number and organizational structure of the probation agencies in the state, and the number of probation supervisors, levels of supervision, and case loads. Uniform reporting standards, definitions, and formats will be determined by the Bureau of Justice Statistics in consultation with the participating states. The Bureau of Justice Statistics will use the data in multi-state and national compilations and analyses.

Applications for cooperative agreements are solicited from state-level agencies which deal with criminal justice statistics or which are responsible for collecting statewide data on probation. Awards will be contingent upon the organizational integrity and technical competence of the applicant. It is anticipated that awards will be made to between ten and fifteen states, with funding support between $10,000 and $25,000 for each award for this initial pilot period. Applications may be submitted to the Bureau of Justice Statistics at any time before May 31, 1981. However, prospective applicants should notify the Bureau of Justice Statistics as soon as possible so that they can participate in the determination of reporting standards, definitions, and formats. It is anticipated that this program eventually will be expanded to cover the entire nation.

Since data produced under these cooperative agreements will be useful to the state as well as to the Bureau of Justice Statistics, it is expected that the level of effort shown in the application will not be limited to the amount of the requested Federal award, but will include services, facilities, or funds to be contributed by the applicant.

Further information and copies of the solicitation may be obtained from G. Paul Sylvestre, Chief, State Statistical Programs Branch, Bureau of Justice Statistics, 633 Indiana Avenue, NW, Washington, D.C. 20531; phone (301) 492-9066.

Dated: June 2, 1980.

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

Approved:

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 80-17092 Filed 6-4-80; 8:45 am]

BILLING CODE 4410-18-M

Program JS-5: Solicitation Regarding a Competitive Cooperative Agreement Program To Develop Statistical Techniques and Methods for the Analysis of Specific Topics in Criminal Justice

The Bureau of Justice Statistics announces a competitive cooperative agreement program to develop statistical methods and techniques for analyzing certain problems in criminal justice that are of concern to a number of states. The topics to be addressed include: Prediction of prison population;

modeling of the criminal justice system or parts of it; data management and the use of analytic software in computer-aided statistical analysis; the impact upon resource needs of changes in sentencing policies. In addition, other topics may be proposed by an applicant. In all cases, the end product of the work will be a report and documentation which can be used by other states in conducting similar analyses. An applicant may propose to address any topic or any combination of topics; primary consideration will be given to the usefulness of the proposed products to other states and to the applicant's demonstrated competence in performing similar work.

Applications for cooperative agreements are solicited from state-level agencies which perform statistical analysis in criminal justice. Awards will be contingent upon the organizational integrity and technical competence of the applicant. It is anticipated that a maximum of three awards will be made for any one topic. Competitive selection will be done separately for each topic. Funding levels will depend upon the number of topics included in an award and the scope of work for each topic; a range of $15,000 to $30,000 per topic is anticipated, with a maximum duration of one year. Applications must be received by the Bureau of Justice Statistics no later than September 30, 1980.

Since work produced under these cooperative agreements will be useful to the state as well as to the Bureau of Justice Statistics, it is expected that the level of effort shown in the application will not be limited to the amount of the requested Federal award, but will include services, facilities, or funds to be contributed by the applicant.

Further information and copies of the solicitation may be obtained from G. Paul Sylvestre, Chief, State Statistical Programs Branch, Bureau of Justice Statistics, 633 Indiana Avenue, NW., Washington, D.C. 20531; phone (301) 492-9066.

Dated: June 2, 1980.

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

Approved:

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 80-17093 Filed 6-4-80; 8:45 am]

BILLING CODE 4410-18-M

Program JS-6: Solicitation Regarding a Competitive Cooperative Agreement Program To Investigate Issues in Criminal Justice for Future Multistate Statistical Programs

The Bureau of Justice Statistics announces a competitive cooperative agreement program to investigate certain issues in criminal justice as a basis for the development of multi-state programs for statistical compilations and analysis. The issues to be addressed include: Crimes against the elderly; white collar crime and public corruption; juvenile delinquency; aspects of the civil justice system that are related to criminal justice; characteristics of victims; handgun violence; court delays; crime correlates including demographic and socioeconomic factors. In addition, other issues may be proposed by an applicant. An applicant may propose to address any issue or any combination of issues; primary consideration will be given to the significance of the issues nationally and to the applicant's demonstrated competence in performing similar work.

Applications for cooperative agreements are solicited from state-level agencies which perform statistical analysis in criminal justice. Awards will be contingent upon the organizational integrity and technical competence of the applicant. It is anticipated that from two to five awards will be made for any one issue. Competitive selection will be done separately for each issue. Funding levels will depend upon the number of issues included in an award and the scope of work for each issue; a range of $15,000 to $25,000 per issue is anticipated, with a maximum duration of one year. Applications must be received by the Bureau of Justice Statistics no later than October 31, 1980.

Since these cooperative agreements are intended to facilitate studies that are useful to the state as well as to the Bureau of Justice Satistics, it is expected that the level of effort shown in the application will not be limited to the amount of the requested Federal award, but will include services, facilities, or funds to be contributed by the applicant.

Further information and copies of the solicitation may be obtained from G. Paul Sylvestre, Chief, State Statistical Programs Branch, Bureau of Justice Statistics, 633 Indiana Avenue NW, Washington, D.C. 20531; phone (301) 492-9066.

Dated: June 2, 1980.

Benjamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

Approved:

Benajamin H. Renshaw,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 80-17094 Filed 6-4-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-23]

Accident Reports, Safety Recommendations and Responses; Availability

Aircraft Accident Reports

Massey-Ferguson, Inc., Gates Learjet 25D, N137GL, Detroit, Michigan, January 19, 1979 (NTSB-AAR-80-4).— The National Transportation Safety Board on May 28 released its formal report on the investigation of the fatal crash which occurred while the aircraft was landing on runway 9 at Detroit Metropolitan Wayne County Airport. The airplane was returning executives of Massey-Ferguson, Inc., to South Bend, Indiana, Detroit, Michigan, and Toronto, Canada, following a meeting at the company's headquarters in Des Moines, Iowa.

Investigation showed that during the descent, the aircraft flew in light-to-moderate, occasionally severe icing conditions. Shortly before the Learjet was to land, a McDonnell-Douglas DC-9 was cleared for takeoff. Witnesses saw the Learjet cross the threshold in a normal landing attitude, and, seconds later, roll violently. The airplane was in a steep right bank when the wing tip tank struck the runway, 2,640 ft from the threshold and the plane burst into flames. The two pilots and four passengers were killed.

The Safety Board determined that the probable cause of the accident was the pilot's loss of control. The loss of control may have been caused by wake turbulence of a departing aircraft, by a premature stall caused by an accumulation of wing ice, by a delayed application of engine thrust during an attempted go-around or by any combination of these factors.

As a result of its investigation of this accident and several others involving general aviation aircraft, the Safety Board has reiterated the following recommendations made to the Federal Railroad Administration on April 13, 1978:

Develop, in cooperation with industry, flight recorder standards (FDR/CVR) for

complex aircraft which are predicated upon intended aircraft usage. (Class II, Priority Action) (A–78–27).

Draft specifications and fund research and development for a low-cost FDR, CVR, and composite recorder which can be used on complex general aviation aircraft. Establish guidelines for these recorders, such as maximum cost, compatible with the cost of the airplane on which they will be installed and with the use for which the airplane is intended. (Class II, Priority Action) (A–78–28)

In the interim, amend 14 CFR to require that no operation (except for maintenance ferry flights) may be conducted with turbine-powered aircraft certificated to carry six passengers or more, which require two pilots by their certificate, without an operable CVR capable of retaining at least 10 minutes of intracockpit conversation when power is interrupted. Such requirements can be met with available equipment to facilitate rapid implementation of this requirement. (Class II, Priority Action) (A–78–29)

Safety Board Vice Chairman Elwood T. Driver and Members Francis H. McAdams and G. H. Patrick Bursley concurred in the report. Chairman James B. King and Member Patricia A. Goldman filed separate concurring and dissenting statements. Chairman King fully supported the report but stated that without a CVR/FDR to establish the aircraft's performance and operational sequence, the probable cause without further caveat overstates the degree of certainty concerning the three factors. He stated that he would rewrite the probable cause as follows:

The National Transportation Safety Board determines that the probable cause of the accident was the pilot's loss of aircraft control *for unknown reasons*. The loss of control may have been cuased by wake turbulence of a departing aircraft, by a premature stall caused by an accumulation of wing ice, by a delayed application of engine thrust during an attempted go-around, or by any combination of these factors.

Mrs. Goldman also fully concurred with the report but not with the probable cause as adopted by the majority since she does not believe there is sufficient information to support it. She notes that Conclusions 9, 10, and 12, respectively, state—

9. A trace of ice on the leading edge of the wings may have caused a premature stall.

10. Wake turbulence of a departing aircraft may have initiated the rolling maneuvers of the Learjet.

12. Coupled with abrupt pitch and roll control inputs during a go-around attempt at speeds within the stickshaker range, a delay in adding thrust can result in a rapid, rolloff stall.

Mrs. Goldman states that these conclusions are valid. Nevertheless, each of these factors must be read in context of certain analyses contained in the report. Also, she is not convinced that these three scenarios are the only factors which could have caused the loss of control. For example, the report states, "In this accident, low roll control sensitivity and the possibility of a sudden pilot reaction might have sustained the rolling maneuvers following the initial wing drop." Therefore, Mrs. Goldman believes that the probable cause of this accident should be:

The National Transportation Safety Board determines that the probable cause of the accident was the pilot's loss of aircraft control for undetermined reasons.

U.S. Civil Aviation Accidents, Issue No. 6 of 1979 Accidents (NTSB–BA–80–3).—With the release on May 27 of the sixth volume of civil aviation accident reports in brief format, and accompanying press release No. SB 80–41, the Safety Board issued a seasonal reminder of a potential hazard in warm-weather, high-altitude flying. High "density altitude," which such flying involves, was cited by the Board as a cause or contributing factor in 36 of the 301 accidents reported in its sixth issue of "briefs" of 1979 civil aviation accidents. The computer printouts comprising this volume provide the Board's determination of probable cause and contributing factors as well as the basic facts of each accident reported.

The Board noted that airplane performance decreases as temperature increases. Higher altitudes further decrease performance. In hot weather, an aircraft at a given pressure altitude will actually perform as though it were much higher. This is the effect of "density altitude," which can be an insidious hazard when a pilot forgets it entirely, or forgets that it does not take much warmth to seriously degrade the performance of an airplane which is taking off from an airport in high mountains, or traversing unusually high terrain. The Board also noted in its press release that density altitude at an airport with a weather station can be obtained from the weather observer. En route, it can be calculated with altimeter and outside air readings using a flight computer.

Note.—The brief reports in Issue No. 6 contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 7 cents per page for printed matter, $1 per page for black-and-white photographs, and $1.50 per page for color photographs, plus postage. Requests concerning aircraft accident report briefs should include (1) date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Safety Recommendation Letters

Aviation

A–80–39 and –40 to the Federal Aviation Administration, May 23, 1980.—Last August 17 a Bell 47G–3–B–1 helicopter, powered by a Lycoming turbocharged engine, crashed near Rico, Colo., killing the pilot and his passenger. Board investigation disclosed that tail rotor thrust was lost during flight because the drive gear (P/N 47–620–568–1) failed. The gear is located within the main rotor transmission.

Metallurgical examination of the parts indicated that damage to the gear teeth resulted from axial misalignment of the gear. The misalignment was caused by a deep groove worn into the gear shaft. The shaft acts as the inner race for a roller bearing (P/N 47–620–605–1) located immediately aft of the damaged gear teeth. The operating time on the main transmission since the last overhaul was 822 hours. However, the gear assembly and bearing are not life-limited components and are replaced, based on their condition. The Safety Board, therefore, was not able to determine the total operating time on the failed gear. Four additional gears (P/N 47–620–568–1) in various stages of deterioration were submitted to the Safety Board's Laboratory for metallurgical examination.

In view of these findings, the Safety Board recommends that the FAA:

Issue an Airworthiness Directive to require replacement of bearing (P/N 47–620–605–1) with the improved bearing (P/N 47–620–929–1) at the next scheduled or unscheduled removal of the main transmission on Bell 27 model helicopters equipped with the turbocharged engines. (Class II, Priority Action) (A–80–39)

Review and evaluate the need to replace the older bearing (P/N 47–620–605–1) with the improved bearing (P/N 47–620–929–1) on all Bell 47 model helicopters. (Class II, Priority Action) (A–80–40)

A–80–41 through –43 to the Federal Aviation Administration, May 27, 1980.—At about 2100 on May 30, 1979, N68DE, a deHavilland DHC–6–200, owned and operated by Downeast Airlines, Inc., crashed on approach to runway 3 at the Knox County Regional Airport, Rockland, Maine. Fifteen passengers and both pilots were killed; one passenger was seriously injured. Following its investigation of the accident, the Safety Board concluded that the flightcrew deviated from standard instrument approach procedures and allowed the aircraft to descend below the published minimum

decision height, without the runway environment in sight. The accident occurred during a night nonprecision instrument approach. Investigation disclosed two areas of concern: one in maintenance practices—a potentially hazardous situation regarding poor cockpit instrument lighting; the other, in operational factors—a lack of standardized procedures for cockpit management and for two-pilot crew coordination at Downeast Airlines.

In view of these areas of concern, the Safety Board recommends that FAA:

Publish a Maintenance Bulletin to alert FAA maintenance inspectors to the safety hazard associated with installation of mixed-color cockpit instrument lighting. The bulletin should require that the practice of installing mixed-color lighting be discontinued and that, where this practice has been implemented in the past, the lighting be changed to a uniform configuration. (A–80–41)

Require that 14 CFR Part 135 operators emphasize crew coordination during recurrent training, especially when pilots are qualified for both single-pilot/autopilot and two-pilot operations. These requirements should be outlined in an operator's approved training curriculum. (A–80–42)

Upgrade flight operations manuals of 14 CFR Part 135 operators to assure standardization by clearly delineating operational duties and responsibilities of all required cockpit crewmembers. (A–80–43)

Each of the above recommendations is classified "Class II, Priority Action." Copies of the Safety Board's formal investigation report on this accident are being prepared for distribution and will be available in the near future.

A–80–44 to the Federal Aviation Administration, May 28, 1980.—On April 5, 1979, a Royale Airlines Beech B–99, N1922T, being operated under 14 CFR Part 135, was struck by a flock of birds while descending for a landing at the Regional Airport in Lafayette, La. One bird penetrated the right windscreen, resulting in minor injuries to the copilot. There were 2 crewmembers and 13 passengers on board the aircraft. The Safety Board's investigation of this incident indicates that corrective action is necessary to reduce the possibility of windscreen penetration in this and similar aircraft.

The Board notes that the Beech 99A windscreen is constructed of two-ply plate glass panels, with a single vinyl material sandwiched in between. The windscreen also incorporates a heating element. Investigation revealed that the flightcrew had not activated the windscreen heat during the descent, and the Flight Operations Manual does not specify the use of windscreen heat when descending. Further, according to the aircraft manufacturer's engineers, the manual does not suggest the use of windscreen heat in an area of high bird strike probability, and no bird strike tests have been conducted on the Model 99 aircraft windscreen since there is no requirement for such tests in 14 CFR Part 23.

As a result of this investigation, and noting the numerous other bird strikes involving general aviation aircraft over the past 5 years, the Safety Board has recommended that FAA:

Conduct a study to determine whether the structural characteristics of general aviation aircraft windscreens equipped with heating elements are enhanced by the use of such elements and apprise operators of optimal procedures through inclusion in appropriate flight manuals or issuance of an advisory circular. (Class III, Longer Term Action) (A–80–44)

A–80–45 to the Federal Aviation Administration, May 28, 1980.—On July 13, 1979, Ward Air, Juneau, Alaska, dispatched a float-equipped Beech C–18S aircraft on a flight from Juneau to Drake Island, Alaska, and return. At Drake Island the pilot boarded two passengers—one, an ambulatory patient en route to a hospital in Juneau. After departing Drake Island, the aircraft was climbing through an altitude of 2,500 feet mean sea level when fire appeared behind the copilot seat. The pilot and one passenger used a handheld portable fire extinguisher to put out the fire. The pilot stated that windows and hatches were opened to exhaust the smoke and the flight continued to its Juneau destination. Neither of the two passengers were injured. The pilot received first-degree burns to his hands while he was extinguishing the fire.

Board investigation disclosed that a pressurized aerosol can of furniture polish (used onboard as a window cleaner) has been placed on a shelf directly behind the copilot seat next to an uncovered and unprotected electric terminal strip. The shelf was approximately 14 inches above the floor, and there were seven uncovered electrical terminal studs attached to a bracket on the bulkhead adjacent to the shelf. During the flight the aerosol can apparently became displaced from its original upright position and fell across the terminals studs. The pressurized can contacted the studs which caused a short circuit that burned through the thin aluminum wall of the can and ignited the contents of the container. The can burned like a blowtorch and ignited the upholstery, which was made of fiberglass and plastic. The fire quickly spread up to the emergency escape hatch before it was extinguished with the help of the passenger. Had the pilot been one in the aircraft when the fire erupted, the outcome could have been catastrophic.

In view of the above, the Safety Board has recommended that FAA:

Publish the circumstances of this incident in the Maintenance Notes Section of the General Aviation Airworthiness Alerts, stressing the fact that pilots and maintenance personnel share a responsibility to insure that there are no uncovered or unprotected electrical terminal studs exposed in the aircraft. The Maintenance Note should also remind pilots of the danger involved when carrying pressurized aerosol cans in an aircraft. (Class II, Priority Action) (A–80–45)

Railroad

R–80–21 to the Federal Railroad Administration, May 27, 1980.—When reviewing for comment on FRA's notice of proposed rulemaking, RSFC–6, Notice No. 1, Freight Car Safety Standards (44 FR 1419, January 5, 1979), the Safety Board noted that the proposal called for maintenance-of-way cars (except those used exclusively in work train service) to be brought under the standards. However, the Board notes that the final rule, 49 CFR 215.3(c)(3), exempted maintenance-of-way cars from compliance with the standards even when placed in a revenue train.

The standards set forth the minimum Federal safety requirements for operating railroad freight cars. They prohibit a railroad from placing in service or continuing in service a freight car that has defective or restricted components or components that have been identified as having unusually high failure rates. Also, certain railroad freight cars are restricted from service by the standards. However, the revised standards, effective March 1, 1980, exempt maintenance-of-way cars from compliance with the standards provided the cars are not used in revenue service (defined as a car used to perform for-hire transportation services). The exemption permits the operation of maintenance-of-way cars with restricted or defective components in any train at any speed, including trains carrying hazardous materials.

An example of the hazards posed by such an exemption occurred on June 7, 1976, at Maud, Ohio, when a ConRail engineer was killed. A track panel section shifted over the side of a nonregulated maintenance-of-way car in a train passing on the adjacent track and struck his locomotive. Ironically, the car was being moved to a repair track after it had caused an accident. A Farlow draft attachment, a restricted component, had failed while the car was traveling in a revenue train.

The Board considers the practice of allowing the use of any cars which do

not meet the minimum Federal safety standards to be inherently unsafe. Permitting the use of these cars without restrictions exposes the public as well as railroad employees to risk regardless of type of service. The Board believes that no train should be allowed to operate without restriction unless all cars comply with minimum safety requirements. Accordingly, the Board recommends that FRA:

Amend 49 CFR Part 215 to prohibit any car which does not comply with the Railroad Freight Car Safety Standards from being operated in a revenue train unless adequate restrictions are provided for its safe operation. (Class I, Urgent Action) (R–80–21)

R–80–22 to Illinois Central Gulf Railroad Co. (ICG), May 23, 1980.—Last October 3, while performing switching duties at a GAF Industries plant at Mobile, Ala., an ICG railroad switchman was killed and the yard foreman was injured seriously. The Safety Board's investigation revealed that the foreman and switchman were attempting to couple four cars held by a locomotive to three cars that were standing on a track in the plant. The movements were being controlled by voice communication on radio between a switchman on the ground and the engineer in the locomotive. After two unsuccessful attempts to couple the cars, the switchman radioed the locomotive engineer to stop, saying that he and the foreman were going between the cars to adjust the couplers so that they could complete the coupling.

While the switchman and foreman were adjusting the couplers, the other switchman, who was standing near the locomotive, made a hand movement that the engineer perceived as a hand signal to back up. The engineer backed the locomotive and four cars and unknowingly caught the switchman and foreman between the couplers. Then the engineer moved the locomotive and four cars forward and when he found that the coupling was not made, he waited for another signal from the switchman near the locomotive. In a few seconds, the switchman made another hand movement that the engineer interpreted and acted upon as a signal to back up. As the engineer backed up again to attempt the couple, the foreman was trying to pull the switchman away from the couplers. The couplers met and struck the switchman again. The engineer said that he was not aware that the switchman and foreman were still between the cars during these movements, although he had understood the switchman's radio request to stop so that they could go between the cars to adjust the couplers. Neither the engineer nor the switchman had seen or communicated with them after they went between the cars to adjust the couplers.

Investigation shows that a gap exists between those ICG operating rules that govern the use of hand signals and those which govern the use of radio signals. ICG crews apparently use both hand signals and radio signals during switching operations without a clear procedure to insure that all crewmembers have the same understanding regarding which signal will prevail in a given situation. In this case, the engineer had been working with the ground crew for several years and was fully aware of their practices and abilities. The crew regularly used a mixture of hand and radio signals. The switchman near the locomotive, who was talking to another person, was not aware that the engineer was watching him for a signal. Gestures he made with his hands in the course of his conversation were interpreted and acted upon by the engineer as a signal to back up.

Potential hazards exist when hand and radio signals are combined. If there had been a procedure, understood and followed by all crewmembers, which assured that all crewmembers understood when a change was made from radio to hand signals, this accident could have been prevented. Therefore, the Safety Board recommends that ICG:

Establish and implement procedures, covered by appropriate operating rules, which will prevent the use of a mixture of hand and radio signals in train movements and will insure that all crewmembers involved understand when the signal mode is changed. (Class II, Priority Action) (R–80–22)

Responses to Safety Recommendations

Aviation

A–79–106 and –107, from the Federal Aviation Administration, May 27, 1980.—Response is to two "Class I, Urgent Action" recommendations issued last December 28 calling for emergency Federal action to tighten air traffic control (ATC) in the San Diego, Calif., Terminal Radar Service Area (TRSA). Recommendation A–79–106 asked FAA to impose mandatory requirements that all pilots communicate with ATC before entering the San Diego TRSA, and A–79–107 called for establishment of a Group II terminal control area (TCA) at San Diego with a special requirement that aircraft entering the airspace be equipped with an operating Mode C altitude encoding transponder. (See 45 FR 2116, January 10, 1980.)

In response, FAA reports that on March 15 a final rule (copy provided) was signed establishing a Group II TCA for San Diego to be effective May 15. This means all flights within the TCS will be required to communicate with and will be separated by ATC. Aircraft will be required to have operable navigation equipment, two-way radio, and a transponder to operate in the TCA. An altitude encoder will not be required at this time. FAA feels that the lack of an altitude encoder will not compromise safety, but intends to address that issue separately from the establishment of the TCA. In conjunction with the establishment of the Group II TCA, FAA's Western Regional Office has been directed to form user working groups to evaluate the effectiveness and workability of the San Diego TCA.

A–80–15, from the Federal Aviation Administration, May 22, 1980.—Response is to a recommendation issued last February 26 following investigation of a hard landing accident involving an air taxi Cessna 310Q at Beckley, W. Va., January 26, 1979. The recommendation called on FAA to require that the pilot-in-command of a Part 135 air taxi or commuter air carrier flight occupy a seat in the pilot compartment which affords him the most direct view of the basic flight and navigation instruments with a minimal deviation from his normal position and line of sight when he is looking forward along the flightpath. (See 45 FR 14721, March 6, 1980.)

FAA notes that the pilot involved in this accident held a flight instructor certificate with airplane multiengine and instrument airplane ratings and had therefore demonstrated his ability to pilot an airplane from the right seat. Immediately prior to the night landing accident, he had descended successfully through an overcast area and executed an instrument approach. The accident report indicates that the airframe had accumulated a significant amount of ice.

The Safety Board's finding of probable cause was "improper level off" with a factor of "airframe ice." FAA states that since the Board was unable to find a causal relationship between the accident and the seat occupied by the pilot-in-command, FAA is unable to use that relationship inferentially to justify regulatory action.

As a result of FAA's investigation of this accident, enforcement action was taken against the pilot. Also, the certificate holder voluntarily surrendered his air taxi commercial operator certificate. Part 135 presently contains several sections prohibiting unauthorized persons from performing pilot duties or handling aircraft controls. FAA is issuing an operations bulletin for guidance of its field inspectors, emphasizing the potential safety

problem identified. A copy of the bulletin will be provided to the Board.

Pipeline

P–79–34, from the Research and Special Programs Administration, May 27, 1980.—Response is to a recommendation issued last November 7 following investigation of a flash fire which erupted last July 31 in a small cellar beneath a commercial greenhouse in Aliquippa, Pa.; gas escaping from a 12-inch 80 psig-pressure gas main was ignited when a man struck a match on entering the cellar. The recommendation asked RSPA to monitor, through its State agent, the Pennsylvania Public Utility Commission, the activities of the Peoples Natural Gas Company to survey the 12-inch gas main for leaks and to cathodically protect the gas main where needed. (See 44 FR 67256, November 23, 1979.)

The Materials Transportation Bureau of RSPA has been in contact with the Pennsylvania Public Utility Commission (PUC) to discuss this accident and the subsequent action of Peoples Natural Gas Company (PNG) RSPA has been advised that the Pennsylvania PUC has monitored PNG in regard to its leak surveys, leak repairs, and cathodic protection surveys on the 12-inch gas line. According to the Pennsylvania PUC, PNG has taken the following actions:

(1) Conducted a leak detection survey on the entire length of the line, P–670, using a Flame Ionization Unit on November 19, 20, 21, 27, and 28, 1979. One minor leak, at a threaded coupling, was located and repaired as a result of this survey. In addition, a spot check leak survey was conducted on January 23, 1980, using a Flame Ionization Unit. This survey did not identify any significant leakage.

(2) A cathodic protection electrical survey was conducted over this line beginning on November 19, 1979, and ending on November 28. It was determined that it was impractical to conduct an electrical survey over the bare portions of line P–670. PNG is using its gas detection surveys to determine the areas that need cathodic protection on the bare portion of the pipeline.

(3) Replaced 385 feet of the old 12–inch bare steel pipe in the area of the accident with 4-inch mill coated steel pipe in November 1979.

(4) On March 25–26, 1980, at the request of MTB through the Pennsylvania PUC, PNG excavated and examined nine different locations along line P–670. The excavation sites selected by the Pennsylvania PUC all had indications of natural gas leakage detected during the November 1979 leakage survey. The purpose of exposing the pipe at these locations was to determine the cause of the leakage and the condition of the pipe. A representative of the Pennsylvania PUC examined the data and reports from the nine locations. The results of this study indicated that the gas leakage in the areas exposed was not caused by corrosion but was due to leaking collar clamps and fittings. In all cases the leakage was very minimal. The pipe exposed at the excavation sites was generally in good condition. During this inspection, only a light coating of surface corrosion was observed. There were no deep pits.

RSPA notes that PNG has attempted to determine areas of active corrosion on this line by electical surveys, leagage surveys, and by excavating and exposing the pipe to inspect its condition at various locations. As a result of these studies, PNG has concluded that they have cathodically protected line P–670 where needed. The Pennsylvania PUC is satisfied that PNG has taken appropriate action.

Railroad

R–79–81, from the Union Pacific Railroad Company, May 3, 1980.—Response is to the Safety Board's letter of April 28 commenting on Union Pacific's March 4 initial response (44 FR 30577, May 8, 1980) to a recommendation issued following investigation of the derailment of a Union Pacific freight train at Granite, Wyo., July 31, 1979.

The Safety Board's April 28 letter notes that during the investigation of the accident at Granite, the Board was assisted by a Union Pacific committee. The use of brake pipe flow indicators was discussed and a Union Pacific officer advised that locomotive units had been equipped with brake pipe flow indicators, but due to maintenance problems, they had been removed. The Board further notes that recommendation R–79–81 was made to the Union Pacific to equip its locomotives with brake pipe flow indicators to enable engineers to measure trainline air flow and that, pending results of testing by the Association of American Railroads, Union Pacific was going to withhold any further application of this equipment. The Board asked to be kept advised as to the results of the study and the decision made by Union Pacific.

Union Pacific's May 3 letter states that as indicated in the March 4 response, Union Pacific is not aware of any installation, let alone removal of brake pipe flow indicators, on the type of locomotives involved in this accident. Union Pacific now asks to be advised of the name of the Union Pacific officer who furnished the advice that they had been removed so that this misimpression can be corrected.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters and responses or related correspondence are also provided free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 2, 1980.

[FR Doc. 80–17080 Filed 6–4–80; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Byproduct Materials License No. 45–09358–02]

Alexandria Hospital Order Imposing Civil Monetary Penalties

I

The Alexandria Hospital, 4320 Seminary Road, Alexandria, VA 22314, is the holder of Byproduct Material License No. 45–09358–02 (the "license") as amended, issued by the Nuclear Regulatory Commission (the "Commission") on February 26, 1969, and expiring on February 28, 1979, but extended under the 10 CFR 30.37 provisions for timely renewal.

II

As a result of apparent material false statements in a preceptor statement of December 20, 1979, a special inspection was conducted on January 8–10, 22, and 23, 1980, to determine the circumstances of the occurrence. From the findings of the inspection, it appears that Alexandria Hospital has not conducted its activities in full compliance with the conditions of the license and with the requirements of the NRC's "Human Uses of Byproduct Material," Part 35, Title 10, Code of Federal Regulations. A written Notice of Violation was served upon the licensee by letter dated March 14, 1980, specifying the items of noncompliance in accordance with 10 CFR 2.201. A notice of Proposed Imposition of Civil Penalties dated March 14, 1980, was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205, incorporating by reference the Notice of Violation, which stated the nature of the items of noncompliance and the provisions of NRC regulations and

license conditions with which the licensee was in noncompliance.

A response dated April 7, 1980, to the Notice of Violation and Notice of Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answer received and the statements of fact, explanation, and argument in denial or mitigation contained therein, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the items of noncompliance designated in the Notice of Violation should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2282), and 10 CFR 2.205, It Is Hereby Ordered That:

The licensee pay civil penalties in the total amount of Two Thousand One Hundred Dollars ($2,100) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within twenty-five (25) days of the receipt of this Order request a hearing. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee was in noncompliance with the Commission's regulations and the conditions of the license in the respects set forth in the Notice of Violation; and

(b) whether, on the basis of such items of noncompliance the Order should be sustained.

Dated at Bethesda, Md., this 23 day of May 1980.

For the Nuclear Regulatory Commission.

R. C. DeYoung,

Deputy Director, Office of Inspection and Enforcement.

[FR Doc. 80-17071 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.7, Revision 1, "Entry/Exit Control for Protected Areas, Vital Areas, and Material Access Areas," describes measures the NRC staff considers acceptable for implementing entry/exit control for protected areas, vital areas, and material access areas in nuclear facilities to protect against theft or diversion of strategic special nuclear material and radiological sabotage. This revision was made to reflect recent changes to the Commission's physical protection regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 28th day of May 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-17076 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associate value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, OH 015-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 8.12 and is entitled "Criticality Accident Alarm Systems." The guide is being developed to describe a system acceptable to the NRC staff for meeting the Commission's requirements for a criticality accident alarm system.

Thid draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commisison, U.S. Nuclear Regulatory Commision, Washington, D.C. 20555, Attention: Docketing and Service Branch, by July 25, 1980.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory

Commisison, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 27th day of May 1980.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Siting, Health and Safeguards Standards, Office of Standards Development.

[FR Doc. 80-17077 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-416A and 50-417A]

Mississippi Power & Light Co.; Violation

The Director, Office of Nuclear Reactor Regulation has issued a Notice of Violation dated May 29, 1980, pursuant to provisions of 10 CFR 2.201 of the NRC's Rules of Practice. The notice requires Mississippi Power and Light Company and Middle South Energy, Inc. to provide within 20 days after receipt of the Notice a written statement or explanation in reply to allegations that Mississippi Power and Light Company has and continues to violate antitrust license conditions 4, 5, and 6 as found in its construction permits for the Grand Gulf Nuclear Station, Units 1 and 2.

Copies of the order are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC 20555 and in the local public document room at Claiborne County Courthouse, Port Gibson, Mississippi 39150.

Dated at Bethesda, Md., this 29th day of May 1980.

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 80-17072 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which added a License Condition and revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

This amendment adds a License Condition related to Secondary Water Chemistry and changes the Technical Specifications to allow limited testing of shock suppressors during operation and also adds two shock suppressors to the listing of those suppressors to be tested.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittals dated March 8, 1978, October 24, 1978 and September 20, 1979, (2) Amendment No. 48 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 27th day of May 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 80-17073 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. (San Onofre 1); Modification of Confirmatory Order

I

Southern California Edison Company (The "Licensee") is the holder of Provisional Operating License No. DPR-13 (the "License") with an expiration date of September 27, 1968, which authorize operation of the San Onofre Unit No. 1 (the "facility"). The Licensee has applied in a timely manner for a conversion to a full term operating License. This application is under NRC review.

II

On April 4, 1980, the Commission issued a Confirmatory Order to the Licensee requiring full response to IE Bulletin 79-27 within the Licensee's committed reply date of May 15, 1980, for the San Onofre Nuclear Plant Unit 1. By letter, dated May 15, 1980, to the NRC Region V Office, the Licensee responded to the Order.

In the May 15, letter, the Licensee advised that items 1 and 3 of IE Bulletin 79-27 had been completed but that item 2, which required revisions to emergency procedures, was still under review. In a letter to the Director, Office of Inspection and Enforcement, dated May 19, 1980, the Licensee requested an extension of the May 15, 1980 deadline of the Confirmatory Order.

The facility is currently shutdown for refueling and in the May 19, 1980 letter, the Licensee proposes that the facility remain shutdown for at least one week after completion of all required items of the April 4, 1980 Confirmatory Order. The week delay will provide adequate time to allow for inspection of the outstanding items by the Commission prior to returning the facility to service.

Accordingly, the May 15, 1980 deadline set forth in the Confirmatory Order is extended to no later than one week prior to San Onofre Unit 1 returning to service.

The Order of April 4, 1980, except as modified above, remains in effect in accordance with its terms.

Dated at Bethesda, Md., on this 23d day of May 1980.

For the Nuclear Regulatory Commission.

R. C. DeYoung,

Deputy Director, Office of Inspection and Enforcement.

[FR Doc. 80-17074 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-24, and Amendment No. 45 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments add limiting conditions for operation and surveillance requirements for the low temperature overpressure mitigating systems and correct some clerical inconsistencies.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 2, 1978, (2) Amendment Nos. 45 and 50 to License Nos. DPR-24 and DPR-27, and (3) the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Document Department, University of Wisconsin, Stevens Point Library, Stevens Point, Wisconsin 54451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 29th day of May 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 80-17075 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-416A and 50-417A]

Mississippi Power & Light Co., Middle South Energy, Inc., Mississippi Electric Power Association; Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated May 23, 1980, with respect to Grand Gulf Nuclear Station, Units No. 1 and No. 2:

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act, as amended, regarding a proposed amendment to the construction permit of the above referenced nuclear units to allow South Mississippi Electric Power Association ("SMEPA") to become a co-owner of those units. SMEPA will acquire a ten percent undivided ownership interest in Grand Gulf, which will be operated by Mississippi Power & Light Company on behalf of itself, Middle South Energy, Inc. and SMEPA.

"Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in the Grand Gulf Nuclear Station, Units 1 and 2 by SMEPA would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed amendment to the construction permit."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 7, 1980 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch.

Dated at Bethesda, Md., this 30th day of May 1980.

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 80-17070 Filed 6-4-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 3, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

New Forms

Animal and Plant Health Inspection Service
9 CFR 73—Scabies in cattle
VS 1–27, 2–24D, 5–2, 5–5, 5–14
On occasion
Owners of treatment facility, 107,746 responses; 18,726 hours
Charles A. Ellett, 395–7340

Farmer's Home Administration
Remote claims impact study—heir property
Single time
Rural landowners, 3,727 responses; 2,055 hours
Charles A. Ellett, 395–7340

Revisions

Food and Nutrition Service
Quality control review schedule (food stamp)
FNS–245, 247–1–4, 248
On occasion
Food stamp participants, applicants and State agencies, 141,188 responses; 1,101,026 hours
Charles A. Ellett, 395–7340

Food and Nutrition Service
Part 215—Special milk program for children
On occasion
State agencies, school food authorities, CCI's, 214,395 responses; 404,395 hours
Charles A. Ellett, 395–7340

Foreign Agricultural Service
Application for clearance of labels on export products
FAS–633
On occasion
Food processors and exporters, 400 responses; 66 hours
Charles A. Ellett, 395–7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

Bureau of the Census
August 1980 CPS post enumeration survey
CPS–1, CPS–260, CPS–678, CPS–678A
Single time
Interviewed households in August 1980 CPS, 68,000 responses; 3,400 hours
Office of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Survey of local assessment records
GP–1
Single time
Local tax assessors, 2,100 responses; 2,100 hours
William T. Adams, 395–4814

Bureau of the Census
1980 survey of municipal or township finances
F–50A, F–50B
Annually
Cities with a population less than 5,000, 2,800 responses; 3,500 hours
Office of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Enumeration sample, post enumeration survey
D–8044
Single time
Households in the United States, 100,000 responses; 33,000 hours
Office of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Survey of real property transfer records
GP–2
Single time
Local recorders of real property sales, 2,100 responses; 2,100 hours
William T. Adams, 395–4814

Economic Development Administration
Dam site information
ED–1001
On occasion
State and local units of government, Indian tribes, 40 responses; 80 hours
William T. Adams, 395–4814

Revisions

Bureau of the Census
Annual survey—finances of State agencies
F–25
Annually
Selected State agencies, 50 responses; 50 hours
Office of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Update list/leave evaluation, housing unit coverage
Check listing book
D–815
Single time
Households in 10 census district offices, 75,000 responses; 5,250 hours
Office of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
Survey of local government tax revenues and intergovernmental revenues—South Dakota townships
RS–5B
Annually
South Dakota County auditors, 54 responses; 108 hours
Office of Federal Statistical Policy and Standard, 673–7974

Bureau of the Census
General revenue sharing survey
RS–9, RS–9A
Annually
Municipal and township governments, 3,995 responses; 3,995 hours
Office of Federal Statistical Policy and Standard, 673–7974

Industry and Trade Administration
Shipment of nickel alloy products
ITA–942 (formerly DIB–942)
Quarterly
Consumers of primary nickel, 84 responses; 14 hours
William T. Adams, 395–4814

Extensions

Bureau of the Census
Survey of local government tax revenues and intergovernmental revenues
RS–5
Annually
Iowa county officials, 99 responses; 99 hours

Office of Federal Statistical Policy and Standard, 673–7974
Bureau of the Census
Survey of local government tax revenue and intergovernmental revenues—North Dakota townships
RS–5A
Annually
North Dakota county auditors, 48 responses; 96 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697–1195

Revisions

Department of the Air Force
Aviation and missile fuel reporting for DOD and other Federal agencies
207, 210, 588, 857, 858, 859, 1994
Other (see SF–83)
Aerospace contractors, 960 responses; 960 hours
Edward C. Springer, 395–4814

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633–9770

Reinstatements

Report of oil imports into the United States and Puerto Rico
ERA–60
Monthly
Importers of oil and petroleum products, 5,400 responses; 10,800 hours
Jefferson B. Hill, 395–7340

Annual report for municipal electric utilities with annual revenues of $250,000 or more
ERA–412
Annually
Municipal electric utilities, 728 responses; 29,120 hours
Jefferson B. Hill, 395–7340

Supplemental power statement
FPC 12–E–2
Monthly
Electric utilities, 3,850 responses; 8,801 hours
Jefferson B. Hill, 395–7340

Emergency sales deliveries of natural gas for resale by persons with exemptions under Natural Gas Act
FPC–R0326
On occasion
Companies exempt under the Natural Gas Act, 60 responses; 300 hours
Jefferson B. Hill, 395–7340

National survey of fuel purchases for vehicles—purchase log and supplementary questionnaire
EIA–141
Monthly
Sample of households, 52,200 responses;; 14,400 hours
Jefferson B. Hill, 395–7340

National Survey of fuel purchases for vehicles—background questionnaire
EIA–429 (formerly part of EIA–141)
On occasion
Sample of households, 3,000 responses; 501 hours
Jefferson B. Hill, 395–7340

Capacity of petroleum refineries
EIA–177 (formerly BOM 6–1334–7)
Annually
Petroleum refineries, 320 responses; 1,920 hours
Jefferson B. Hill, 395–7340

Fuel consumed for all purposes at refineries
EIA–173 (formerly BOM 6–1335–A)
Annually
Petroleum refineries in United States, 319 responses; 1,276 hours
Jefferson B. Hill, 395–7340

Schedule C–No alternative power supply
ERA–319
Single time
New power plants/new major fuel burning installations, 60 responses; 300 hours
Jefferson B. Hill, 395–7340

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245–7488

New Forms

Alcohol, Drug Abuse and Mental Health Administration
Joint AHA–NIMH inventory of general hospital psychiatric services
ADM 25–2
Single time
General hospitals with psychiatric services, 60 responses; 28 hours
Office of Federal Statistical Policy and Standard, 673–7974

Revisions

Public Health Service
1980 health interview survey smoking supplement questionnaire
Other (see SF–83)
Sample of households representing the civil, non-institutionalized population of the United States, 40,000 responses; 31,088 hours
Office of Federal Statistical Policy and Standard, 673–7974

Public Health Service
Annual marriage and divorce statistical report forms
HRA 30–1; HRA 30–2
Annually
State registrars, 51 responses; 26 hours
Office of Federal Statistical Policy and Standard, 673–7974

Public Health Service
Monthly report on marriages, divorces, and annulments
HRA–29
Monthly
State registrars, 624 responses; 62 hours
Office of Federal Statistical Policy and Standard, 673–7974

Reinstatements

Health Care Financing Administration (departmental)
Uniform bill questionnaire
HCFA–79
Single time
Hospital personnel, 500 responses; 750 hours
Richard Eisinger, 395–6880

New Forms

Health Care Financing Administration (medicaid)
Third party resource worksheet
HCFA–301C (test)
Single time
Title XIX beneficiaries, 100 responses; 25 hours
Richard Eisinger, 395–6880

Revisions

Social Secruity Administration
Application for a social security number card (original replacement or correction)
SS–5
On occasion
Indiv. req. assign of SSN or prov revised or corr. infor. 12,000,000 responses; 1,600,000 hours
Barbara F. Young, 395–6880

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

Revisions

Offices, boards, division
Civil litigation project: Organization disputant questionnaire
Single time
Organizations in five Federal districts, 2,950 responses; 2,950 hours
Andrew R. Uscher, 395–4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Employment Standards Administration
Declaration of citizenship—29 CFR 40.51(p)
WH–409
On occasion
Farm laborers, 25,000 responses; 6,250 hours
Arnold Strasser, 395–6880

Revisions

Occupational Safety and Health Administration

Quarterly report of State compliance and standards activity—migrant housing inspection
OSHA 120, 120A, 121, 122, 123, 124
Quarterly
OSHA State designees, 96 responses; 4,128 hours
Arnold Strasser, 395–6880

Reinstatements

Employment and Training Administration
Employment and training administration manual—EEO reporting system
ETA 7152, 7153 and 7154
Semiannually
ETA contractors and grantees, 5,028 responses; 2,514 hours
Arnold Strasser, 395–6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Departmental and other
Waterway user charge questionnaire
OST/P
Single time
Description not furnished by agency, 490 responses; 245 hours
Susan B. Geiger, 395–7340

Departmental and other
Inspector General's contractor questionnaire
IG OST
Single time
Government contractors possessing government furnished property, 160 responses; 80 hours
Susan B. Geiger, 395–7340

National Highway Traffic Safety Administration
Owner usage and acceptance of automatic safety belts
HS–417 and HS–417A
Annually
Owners of automatic and manual belt equipped cars, 2,100 responses; 700 hours
Susan B. Geiger, 395–7340

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376–0436

New Forms

Treasurer of the United States
$1,000 bondholder survey
Single time
Description not furnished by agency, 1 response; 167 hours
Warren Topelius, 395–7340

Revisions

Bureau of Customs
Discrepancy report and declaration
Customs 5931
On occasion
Importing carriers, customhouse brokers, importers, 126,000 responses; 10,495 hours
Warren Topelius, 395–7340

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Paul Elston—755–2744

Reinstatements

Application for supplemental registration for distributors
EPA 8570–5
On occasion
Pesticide manufacturers, 30,000 responses; 7,500 hours
Edward H. Clarke, 395–7340

NATIONAL ALCOHOL FUELS COMMISSION

Agency Clearance Officer—John May—426–6490

New Forms

Ethanol production survey
NAFCO 52980
On occasion
250 identified prospective producers, 250 responses; 83 hours
Jefferson B. Hill, 395–7340

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—357–7811

Revisions

Application for consideration of waiver of 2 years for residence requirement
NSF 258
On occasion
Scientists, 30 responses; 1 hour
Marsha D. Traynham, 395–7340

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Charles P. Paul—254–4776

Pension Benefit Guaranty Corporation audience survey
Single time
Pension recipients and pension plan sponsors, 300 responses; 24 hours
Arnold Strasser, 395–6880

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Revisions

Annual report of creditable compensation
BA–3A
Annually
Railroad employers, 535 responses; 47,062 hours
Barbara F. Young, 395–6880

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Anderson—653–6890

New Forms

Questionnaire—merged or sold businesses
Single time
Business managers and owners, 815 responses; 136 hours
Office of Federal Statistical Policy and Standard, 673–7974

Active small business questionnaire
Single time
Unicorp. wholesale and retail trade, 1,000 responses; 167 hours
Office of Federal Statistical Policy and Standard, 673–7974

Extensions

Financial statement of debtor
SBA–770
On occasion
Small business borrowers, 4,000 responses; 4,000 hours
Edward C. Springer, 395–4814

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Certain steel wire nails, importers questionnaire
Single time
Steel wire nail importers, 30 responses; 240 hours
Phillip T. Balazs, 395–4814

Certain steel wire nails, producers questionnaire
Single time
Steel wire nail producers, 50 responses; 400 hours
Phillip T. Balazs, 395–4814

Producer's Questionnair, Inv. 303–TA–13, castings from India
Single time
U.S. producers of construction castings, 75 responses; 750 hours
Phillip T. Balazs, 395–4814

Importers questionnaire, Inv. 303–TA–13, castings from India
Single time
U.S. importers of construction castings, 20 responses; 80 hours
Phillip T. Balazs, 395–4814

C. Louis Kincannon,
Acting Deputy Assistant Director For Reports Management.

[FR Doc. 80–17171 Filed 6–4–80; 8:45 am]
BILLING CODE 3110–01–M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting

The final meeting of the Presidential Commission on World Hunger will meet on Monday, June 16, 1980, in Room 454 of the Executive Office Building, 17th and Pennsylvania Avenue, NW, Washington, D.C. The meeting will begin at 9:30 a.m. and will conclude at approximately 1:00 p.m.

The agenda for the meeting will include a discussion of follow-up activities pertaining to the issuance of the Commission's Final Report to the President, implementation of public education plans and programs and such other business as may be required.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to the Presidential Commission on World Hunger, 734 Jackson Place, N.W., Washington, D.C. 20006. In order to prepare clearance lists for admission to the Executive Office Building, requests must be received in the Commission's office no later than June 12, 1980.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 80-17044 Filed 6-4-80; 8:45 am]

BILLING CODE 6820-97-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16858; File Nos. 4-196, 4-273, 4-274, 4-267]

Boston Stock Exchange, Inc. et al.; Order Granting Approval

In the matter of Boston Stock Exchange, Inc., 53 State Street, Boston, Massachusetts 02109; Cincinnati Stock Exchange, Inc., 209 Dixie Terminal Building, Cincinnati, Ohio 45202; Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Illinois 60603; Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, California 90014; National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006; Plans filed pursuant to 17 CFR 240.17d-2.

May 30, 1980.

Notice is hereby given that the Securities and Exchange Commission (the "Commission") has issued an Order, pursuant to Sections 17(d)(1) and 11A(a)(3)(B) of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78q (d)(1) and 78k-1(a)(3)(B) granting approval of plans for allocating regulatory responsibilities (the "plans") filed pursuant to 17 CFR 240.17d-2 ("Rule 240.17d-2") by the National Association of Securities Dealers, Inc. ("NASD") in conjunction with the Boston Stock Exchange, Inc. ("BSE"), Cincinnati Stock Exchange, Inc. ("CSE"), Midwest Stock Exchange, Inc. ("MSE") and Pacific Stock Exchange, Inc. ("PSE") (the "participating exchanges" and, with the NASD, the "parties").[1]

Accordingly, the NASD shall assume, in addition to the regulatory responsibilities it already has under the Act, regulatory responsibilities allocated to it by the plans with respect to certain brokers and dealers which belong to both the NASD and one or more of the participating exchanges. At the same time, the BSE, CSE, MSE and PSE are relieved of the regulatory responsibilities thus allocated to the NASD.

I. Introduction

Section 19(g)(1) of the Act [2] requires every self-regulatory organization ("SRO") [3] to examine for and enforce compliance by its members, persons associated with its members, or its participants with the Act, the rules and regulations thereunder and the SRO's own rules unless relieved of this responsibility under Sections 17(d) or 19(g)(2) of the Act. For a broker or dealer that belongs to more than one SRO ("dual member"), this statutory obligation could result in a pattern of multiple examinations by each SRO, creating unnecessary regulatory duplication and added expenses for a firm and the industry.

Section 17(d)(1) of the Act [4] was intended, in part, to eliminate overlaps and gaps in the regulatory pattern.[5] With respect to a dual member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules and regulations, or to perform other specified regulatory functions.

Rule 17d-1 [6] was adopted by the Commission on April 20, 1976. The rule authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine dual members for compliance with the Act and Commission and SRO rules and regulations.

On October 28, 1976, the Commission adopted Rule 17d-2 [7] in order to implement Section 17(d)(1).[8] The rule permits SROs to join in proposing plans for allocating the regulatory responsibilities imposed by the Act with respect to dual members. Commission approval of a plan filed pursuant to Rule 17d-2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

On October 25, 1977, the Commission published notice of the filing of the NASD's plans with the BSE, CSE, MSE and PSE,[9] as required by Rule 17d-2(c). No comments were received.

According to these plans, the NASD would be responsible for conducting all on-site examinations, both routine and special, and reviewing related reports of any dual NASD and BSE, MSE or PSE member, if one of those exchanges had, prior to the execution of the plan, been designated as the examining authority for that member under Rule 17d-1.[10] Since the CSE had not been designated as the examining authority for any of its members, the NASD agreed to examine all CSE members which were designated to the NASD under Rule 17d-1. Dual members designated to the NASD after the execution of the plans would be examined by the NASD for an exchange's regulatory rules only. As a result of the allocation plans, a dual member which had previously been examined on a routine basis by the NASD and one of the participating exchanges would be subject to an examination by only the NASD. The plans would therefore eliminate duplicative examining responsibilities between the NASD and each of the four exchanges which entered into an allocation agreement.

On September 26, 1978, the Commission, by order, approved on a provisional basis until June 23, 1979, the four allocation plans filed by the NASD in conjunction with the BSE, CSE, MSE

[1] Citations to a particular allocation plan will be to "NASD/(name of exchange)."

[2] 15 U.S.C. 78s(g)(1) (1976).

[3] Section 3(a)(26), 15 U.S.C. 78c(a)(26) (1976), defines "self-regulatory organization" to include "any national securities exchange, registered securities association or registered clearing agency * * *"

[4] 15 U.S.C. 78q(d)(1) (1976).

[5] Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Sess. 32 (1975).

[6] 17 CFR 240.17d-1 (1979).

[7] 17 CFR 240.17d-2 (1979).

[8] Securities Exchange Act Release No. 12935 (October 28, 1976), 10 SEC Docket 807.

[9] Securities Exchange Act Release Nos. 14091, 14094, 14098 and 14095 (October 25, 1977), 13 SEC Docket 458-464.

[10] Pursuant to the plans, the exchanges would retain the responsibility to examine for compliance with rules governing trading on the floor of the exchanges and related reports. For a complete discussion of the plans and the allocation of regulatory responsibilities between the NASD and the exchanges, *see* Securities Exchange Act Release No. 15191 (September 26, 1979), 15 SEC Docket 1163 ("September order").

and PSE.[11] The Commission conditioned its further consideration of the plans on the submission of certain amendments and supplementary material.

Subsequently, the Commission extended the period of provisional approval until January 1, 1980.[12] Because the required submissions had not been completed by December 1979, the Division of Market Regulation, pursuant to delegated authority, extended the period of provisional approval until April 5, 1980,[13] and again until June 7, 1980.[14]

Shortly after the first of the year, the NASD and the exchanges submitted the required plan amemdments to the Commission. On February 20, 1980, the Commission published notice of the terms of the proposed plan amendments for comment.[15] Subsequently, the remainder of the supplementary material was also submitted to the Commission.

II. Discussion

As a condition to further consideration, the Commission, in its September order, required remedial amendments to the plans allocating the responsibility to: Process customer complaints, review dual members' advertising, conduct special and cause examinations, and provide for the resolution of disputes arising between the parties. The Commission also requested that the parties submit a comparison, correlation, and classification of all the rules. In addition, the Commission required the NASD and the MSE to submit an amendment regarding compensation of the NASD by the MSE for performing regulatory functions under the plan.

The conditions on which the Commission premised further consideration of the plans have now been satisfied. The NASD, in conjunction with the exchanges, has submitted the required amendments to each of the original plans in order to include those matters that the Commission believed should have been included in the original filings.

The amendments to the NASD/BSE, NASD/CSE, NASD/MSE and NASD/PSE plans provide for, among other things, the clarification of examination responsibilities, the handling of customer complaints, the review of dual members' advertising by the NASD, and the arbitration of disputes arising between the NASD and the participating exchange.

Furthermore, the NASD and the MSE agreed that there would be no charge for performing the stated regulatory responsibility under the plan for at least three years. Should the NASD desire to impose a charge after three years from September 16, 1977, the date of the original agreement, the MSE shall be given prior notice, with the right to terminate the agreement.[16]

Besides the amendments, the parties also submitted charts that (1) list all the rules of the participating exchanges and the NASD with a determination of whether these rules are of a regulatory, housekeeping, administrative or definitional nature and designate which party would be responsible for enforcing compliance with the individual rules; and (2) list and key those rules which are subject to on-site compliance examination to related questions or discussions in the examination modules.[17]

In addition, the NASD submitted revised examination modules and explanatory materials for the rules of each of the participating exchanges.

The supplementary materials submitted by the parties have been reviewed and thoroughly analyzed. The Commission believes that these materials have greatly clarified the parties' examining responsibilities and that the conditions imposed by the September order have now been met.

The Commission will continue to monitor the sufficiency of all examination procedures established by the NASD. The Commission will also continue to conduct oversight examinations of the NASD and the exchanges to determine whether they are conscientiously discharging their regulatory responsibilities under both the Act and the plans, with the plans being construed in accordance with the interpretive correspondence between parties to the plans and the Commission as well as with the supplementary material submitted by the parties. Continued Commission approval of the plans is contingent on the NASD satisfactorily performing its responsibilities.

This order gives the effect to the plans and amendments filed with the Commission as of May 15, 2980. The parties shall notify all dual members affected by the plans of their rights and obligations under the plans.

It is therefore ordered, pursuant to Sections 17(d) and 11A(a)(3)(B) of the Act, that the plans between the NASD and BSE, the NASD and CSE, the NASD and MSE, and the NASD and PSE filed pursuant to Rule 17d–2 are approved subject to the terms of this Order.

It is further ordered that the BSE, CSE, MSE and PSE are relieved of those responsibilites allocated to the NASD by such plans as approved in this Order.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–17081 Filed 6–4–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 16863; File Nos. SR–CBOE–80–14, etc.]

Chicago Board Options Exchange, Inc. et at.; Filing of Proposed Rule Changes and Order Approving Proposed Rule Changes

May 30, 1980.

In the matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Pacific Stock Exchange, Incorporated, 301 Pine Street, San Francisco, California 94104; Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, File Nos. SR–CBOE–80–14, SR–Amex–80–16, SR–PSE–80–9, SR–Phlx–80–14.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that the self-regulatory organizations listed above ("options exchanges") have filed with the Commission copies of proposed rule changes [1] to establish procedures for allocating additional call option classes.

On March 26, 1980, the Commission issued a policy statement announcing the termination of the options expansion moratorium and solicited comment on its intention to begin to permit further expansion of the standardized options markets, including the listing of additional put and call classes by the

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[11] Securities Exchange Act Release No. 15191 (September 26, 1979), 15 SEC Docket 1163.

[12] Securities Exchange Act Release No. 15941 (June 21, 1979), 17 SEC Docket 995.

[13] Securities Exchange Act Release No. 16462 (January 2, 1980), 19 SEC Docket 93.

[14] Securities Exchange Act Release No. 16719 (April 2, 1980), 19 SEC Docket 1099.

[15] Securities Exchange Act Release No. 16591 (February 20, 1980), 19 SEC Docket 689. No comments were received.

[16] The original agreements filed by the NASD in conjunction with the BSE, the CSE, and the PSE contain similar provisions.

[17] The prties did not submit a comparison of the NASD's rules and rules of the exchange. However, upon review of the material submitted by the parties the Commission is satisfied that every rule of the parties that requires on-site examination for compliance has been incorporated into the revised examination modules.

[1] The proposed rule changes were filed on the following dates: Chicago Board Options Exchange, Incorporated ("CBOE"), May 28, 1980; American Stock Exchange, Inc. ("Amex"), May 29, 1980; Pacific Stock Exchange Incorporated ("PSE"), May 30, 1980; and Philadelphia Stock Exchange, Inc. ("Phlx"), May 29, 1980.

existing options exchanges.[2] In that release the Commission stated that in view of the continuing restriction on the expansion of multiple trading and in view of the limited number of attractive new stocks which it understood to meet the current options listing standards, it was necessary to devise a fair method of allocating additional call options among the existing options exchanges. Accordingly, the Commission requested that the options exchanges formulate and jointly submit to the Commision an appropriate call expansion plan. In order to assure the fair and equitable treatment of all the options exchanges, the Commission indicated that such a plan must take into account the additional call classes that the CBOE would list as a result of the combination of its options program with that of the Midwest Stock Exchange, Incorporated, ("MSE") and must be agreed to by all the options exchanges.

The text of the call expansion plan filed by the options exchanges is as follows:

A. In view of the acquisition by CBOE of MSE's options program, MSE agreed not to participate in the selection of additional call classes. It was thereafter agreed that through the first fourteen (14) rounds of the selection process, CBOE would partially defer participation under the following formula:

1. During the first, second, sixth, seventh, eighth, twelfth, thirteenth, and fourteenth selection rounds, CBOE would not participate;

2. The PSE, Phlx, and Amex would participate in the foregoing selection rounds, choosing by lot the order of such participation;

3. The PSE, Phlx and Amex would select additional underlying stocks in the above selction rounds in the order of 1–2–3, 3–2–1, 2–3–1, 1–3–2, 3–1–2, 2–1–3, 1–2–3, 3–2–1.

4. During the third, fourth, fifth, ninth, tenth, and eleventh selection rounds, CBOE would participate and the four exchanges, choosing by lot, would determine the order of such selection;

5. The PSE, Phlx, Amex, and CBOE would select additional stocks in the selection rounds described in (4) above in the order of 1–2–3–4, 4–3–2–1, 2–3–4–1, 1–4–3–2, 3–4–1–2, 2–1–4–3;

6. After the fourteenth round, the CBOE would participate equally with the PSE, Phlx and Amex continuing the sequence in A.5 above.

B. Not more than 60 underlying stocks would be selected in the first allocation, which would be conducted during a single session within 15 days after the Commission approves the allocation plan.

C. Should any options exchange pass on its turn during the selection process, it would lose the turn and not gain any priority for future selections.

D. Call and/or put options with respect to each underlying stock selected in the allocation process would have to be admitted to trading on the options exchange selecting that underlying stock within six months from the date of selection. An Exchange may only select an underlying stock which, at the time selection is made it has reasonable grounds to believe is qualified for options trading.

E. If an exchange does not commence trading in any options which it selected in the initial allocation or any subsequent allocation within a six-month period from the date of such selection the underlying stock would again be eligible for selection by any of the options exchanges in a future allocation procedure, as described in the following paragraphs.

F. On the second Tuesday of each month after the initial allocation, further allocations shall be held, at the request of one or more options exchanges, continuing the sequence, described above in a.5 whereby the four participating options exchanges would be able to select any unallocated eligible underlying stock, including new underlying stock becoming eligible for options trading by the occurrence of events or because an options exchange that had previously been allocated an underlying stock failed to commence the trading of options with respect thereto within six months of the date of selection.

G. Until this plan has been approved by the Commission and the initial allocation has been carried out, any options exchange which delists an option because the underlying stock no longer qualifies for options trading shall be eligible to select another underlying stock in accordance with the plan submitted to and approved by the Commission in its Release 14878, of June 22, 1978, as was done by the Amex and PSE in April of 1980, after the initial allocation described above, such procedure for selecting substitute underlying stocks will be terminated.

H. All Exchanges will commence additional put options trading on Fridays, other than a Friday preceding an expiration date.

I. In the event an exchange determines to commence put option trading in a stock which underlies call option trading on more than one exchange, the initiating exchange shall notify such other affected exchanges not less than one week prior to the commencement of trading. Such an action should limit the possible disruption which the absence of notice might create for member firms and the investing public.

Interested persons are invited to submit written data, views and arguments concerning the submissions on or before June 26, 1980. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to the file numbers captioned above.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, including the requirements of Section 6 and the rules and regulations thereunder. As discussed below, the Commission also finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof.

In particular, the Commission finds, in accordance with Section 6(b)(8) of the Act, that the proposed rule changes, at this time, do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Approval of the proposed rule changes will perpetuate the restriction on expansion of multiple trading in exchange-traded options by limiting the ability of the options exchanges to trade freely any eligible options class. As noted in the March 1980 policy statement, a further expansion of multiple trading may result in increased competition among the options exchanges and thereby confer a number of benefits to public investors and market professionals. At the same time, the Commission observed that an expansion of multiple trading in the current market environment may have certain adverse effects relating to market fragmentation and competitive opportunities in the options markets.

[2] Securities Exchage Act Release No. 16701 ("March 1980 policy statement").

The Commission noted in the March 1980 policy statement that, under appropriate circumstances, the benefits of expansion of multiple trading may outweigh any adverse consequences and expressed the view that certain of the concerns arising from expanded multiple trading might be alleviated through the development of market integration facilities. The Commission expressed its further belief that the near term development of such facilities might create a fairer, more efficient market structure within which multiple trading would occur. For that reason, the Commission concluded that further expansion of multiple trading should be deferred until the self-regulatory organizations had an opportunity to consider whether, and to what extent, the development of such market integration facilities would minimize concerns regarding market fragmentation and maximize competitive opportunities in the options markets.

Notwithstanding deferral of its decision on expanded multiple trading, the Commission believes that it is appropriate, at this time, to permit the options exchanges to list options on additional underlying securities, pending resolution of the multiple trading question. Accordingly, on balance, the Commission is of the view that the proposed rule changes, at this time, do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. After the self-regulatory organizations have reported to the Commission concerning the development of market integration facilites, and it has evaluated any comments received in response to the March 1980 policy statement and this release, it will consider what further action should be taken with respect to the expansion of multiple trading.

In the March 1980 policy statement, the Commission solicited comments concerning the conditions it set forth as necessary to ensure that any call expansion plan devised by the options exchanges was fair and equitable. In addition, the Commission indicated that it intended to give expedited treatment to call expansion rule proposals submitted by the options exchanges. The only comments directed to this aspect of the policy statement were filed by the CBOE, whose comments are now moot in view of CBOE's agreement to participate in the plan. In view of the foregoing, the Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-17082 Filed 6-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21601; 70-6337]

Middle South Energy, Inc. and Mississippi Power & Light Co.; Proposed Sale of 10 Percent Undivided Ownership Interest in Nuclear-Fueled Electric Generating Station and Related Transactions

May 30, 1980.

In the matter of Middle South Energy, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205.

Notice is hereby given that Middle South Energy, Inc. ("MSE") and Mississippi Power & Light Company ("MP&L"), electric utility subsidiaries of Middle South Utilities, Inc. ("MSU"), a registered holding company, have filed a declaration and amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(d) and 12(f) of the Act and Rules 44 and 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

The declaration concerns the proposed sale by MSE and the acquisition by South Mississippi Electric Power Association ("SMEPA") of a ten percent (10%) undivided ownership interest in MSE's Grand Gulf Nuclear Electric Station ("Grand Gulf Plant") and certain related transactions between MSE and MP&L. MSE was incorporated in 1974 to own and finance certain future generating capacity of the Middle South System. The Grand Gulf Plant is a two-unit, nuclear-fueled electric generating station being constructed on the east bank of the Mississippi River near Port Gibson, Mississippi. Each unit is to have a net capacity of 1,250 MW; the first unit is now scheduled to be placed in commercial operation in April 1982 and the second unit is now scheduled to be placed in commercial operation in April 1986. Construction costs of the Grand Gulf Plant, excluding nuclear fuel, were estimated in December 1979 to total $3,049 million, of which approximately $1,419.4 million have been expended through December 31, 1979.

SMEPA is a public-utility company engaged exclusively in the generation and transmission of electric energy for its seven member Rural Electric Cooperatives in the State of Mississippi. The balance of the electric power requirements of SMEPA's members is obtained primarily from Mississippi Power Company. SMEPA operates in 19 counties in Mississippi, and, as of December 31, 1979, provided electric service to approximately 76,260 ultimate consumers through its members. The total installed generation capability of SMEPA's electric utility plant as of December 31, 1979, was 573,000 KW, consisting of five steam electric units and two combustion turbine units. The peak demand on SMEPA's system in 1979 was 266,000 KW, which reflects a decrease of 2.2% from the 1978 peak demand.

SMEPA's acquisition of the ten percent (10%) undivided ownership interest in the Grand Gulf Plant will be governed by the terms of a Joint Construction, Acquisition and Ownership Agreement between MSE and SMEPA ("Ownership Agreement"). The Ownership Agreement provides that, commencing with a closing date, SMEPA will begin to advance monthly to MSE 100% of the cost of construction estimated for the following month. SMEPA will continue contributing 100% of the cost of construction in such manner until its investment in the Grand Gulf Plant, plus its AFUDC equals 10% of the total cost of construction plus each party's accrued allowance for funds used during construction. It is estimated that, assuming a closing date of July 1, 1980, SMEPA would need to contribute $200 million to the cost of construction to bring its ownership interest to 10% based upon the estimates set forth above. Based on the current schedule of construction, SMEPA's interest would reach 10% by April 1981. At such time, MSE and SMEPA would commence making joint contributions to the cost of construction on a 90%–10% basis and payment would continue on such basis until completion of the Grand Gulf Plant.

MSE proposes to obtain a release from the lien of its Mortgage and Deed of Trust, dated as of June 15, 1977, as amended, of the undivided ownership interest in the Grand Gulf Plant to be acquired by SMEPA during the adjustment period. MSE intends to

notify holders of its outstanding first mortgage bonds of the proposed transactions and to obtain their consent to certain aspects thereof.

Pursuant to the terms of an Income Tax Indemnification Agreement, SMEPA will agree to indemnify MSE from certain federal and state income or gains taxes if the transactions are deemed to be the equivalent of a taxable sale or disposition of any interest of MSE in the Grand Gulf Plant. SMEPA has also agreed to pay MSE, at the time its interest in the Grand Gulf Plant is confirmed at 10%, the amount of $1.5 million, which MSE and SMEPA agree compensates MSE for all costs incurred, past, present, and future, relating to the Grand Gulf Plant that have not been capitalized, such as planning, negotiation, education, and similar unallocated administrative and general expenses. Such payment shall not thereafter be used in calculating SMEPA's undivided ownership interest in Grand Gulf. MSE will apply SMEPA's payments to the cost of constructing the Grand Gulf Plant.

MP&L will act for MSE and SMEPA in the construction of the Grand Gulf Plant pursuant to the terms of the Service Agreement between MP&L and MSE, dated as of June 21, 1974. MSE and SMEPA will enter into an Operating Agreement providing for the sole operation of the Grand Gulf Plant by MSE for itself and as agent for SMEPA. MP&L will act for MSE and SMEPA in the operation of Grand Gulf Plant pursuant to the terms of the Service Agreement.

MSE and SMEPA will be able to schedule energy out of the Grant Gulf Plant in any amount up to 90% and 10%, respectively, of the energy available from the Plant and each may schedule any additional available energy from the Plant not being utilized by the other. In general, MSE and SMEPA will pay the fixed costs of operating the Grand Gulf Plant in proportion to their undivided ownership interest in the Plant and will pay the cost which vary by energy taken (including fuel cost) in proporation to the amount of energy taken.

Under the Substitute Power Agreement, MP&L will agree to sell power and energy to SMEPA if commercial operation of Unit No. 1 is delayed beyond April 1, 1982, or commercial operation of Unit No. 2 is delayed beyond April 1, 1986, in each case for other than Force Majeure or certain other reasons. SMEPA will be entitled to purchase up to the amount of power and energy it could have purchased had either Unit been placed in commercial operation by the scheduled dates. SMEPA will pay MP&L's average system cost for such power. MP&L can terminate service if the particular Unit is placed in commercial operation, if SMEPA ceases having an interest in the Unit or no longer needs the power and energy being provided by MP&L, and in any event five (5) years after service commences.

MP&L will also agree to sell power and energy to SMEPA if MSE ceases operating the Grand Gulf Plant for economic reasons. SMEPA will be entitled to purchase up to the amount of power and energy it could have purchased had the Plant not been shut down. SMEPA will pay MP&L the cost it would have paid had the Grand Gulf Plant been operating. MP&L's obligation to provide such power and energy ends thirty (30) years from the date Unit No. 1 begins commercial operation. MSE will reimburse MP&L for any net operating loss incurred as a result of this arrangement.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that various phases of the transactions are subject to the jurisdiction of the Nuclear Regulatory Commission; that rates for power and energy to be furnished by either MSE or MP&L to SMEPA are subject to the jurisdiction of the Federal Energy Regulatory Commission, that MSE and MP&L will also obtain approval of the Mississippi Public Service Commission for the acquisition by SMEPA of a ten percent (10%) undivided ownership interest in the Grand Gulf Plant; and that no other state or federal commission, other than this Commission, has jurisdiction over MSE's or MP&L's participation in the proposed transactions.

Notice is further given that any interested person may, not later than June 26, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-17084 Filed 6-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21600; 70-6047]

Middle South Utilities, Inc.; Proposed Amendments to Employee Stock Ownership Plan

May 30, 1980.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(A) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated September 20, 1977 in this matter (HCAR No. 20183), the Commission authorized Middle South to make available, for acquisition by First National Bank of Commerce, New Orleans, Louisiana, as trustee under its Employee Stock Ownership Plan ("Plan"), directly from Middle South, through January 31, 1979, up to 300,000 authorized but unissued shares of Common Stock, $5 par value ("Additional Stock"). By order of January 30, 1979 (HCAR No. 20904), the Commission authorized extension of the period during which Additional Stock may be issued to the trustee to January 31, 1982.

Pursuant to the terms of the Plan, Middle South and its subsidiaries contribute to the trustee, for participating employees, an amount equal to the additional investment tax credit allowed to Middle South on its consolidated federal income tax return under the Internal Revenue code of 1954, as amended. The trustee must invest and reinvest the cash contributions, and any income thereon, exclusively in Common Stock, $5 par value ("Common Stock"), which it acquires, at its discretion, through open market or private purchases or directly from Middle South. Where Middle South offers Additional Stock and the trustee accepts such offer rather than acquire Common Stock in the open market or elsewhere, then it is presently provided that the Additional Stock will be acquired for an amount equal to the value equivalent to the average of the closing prices of the Common Stock based on consolidated trading as defined by the Consolidated Tape Association and reported as part of the consolidated trading prices of the New York Stock Exchange listed Securities for twenty consecutive trading days immediately preceding the acquisition ("Market Value").

The Internal Revenue Service has recently promulgated a regulation that requires the use of Market Value only in those situations where an employer contributes stock to a plan. The regulation further provides that the twenty-day average rule does not apply to securities acquired with cash contributed to a plan.

Due to this recent development, it is proposed that the Plan be amended to reflect permissible changes in the pricing of Common Stock that may be acquired by the trustee, as follows: (1) If a contribution to the Plan is in Common Stock, the number of shares contributed will be determined by the average of the closing prices of the Common Stock based on consolidated trading as defined by the Consolidated Tape Association and reported as part of the consolidated trading prices of New York Stock Exchange listed securities for twenty consecutive trading days immediately preceding the due date for filing Middle South's consolidated federal income tax return; (2) with respect to cash contributions to the Plan, if Middle South offers Additional Stock to the Trustee and the trustee chooses to accept such offer rather than to acquire Middle South's Common Stock in the open market or elsewhere, the Additional Stock will be acquired for an amount equal to its fair market value at the time of acquisition (rather than an amount determined by reference to the twenty-day average); and (3) if dividends are reinvested by the trustee in Additional Stock, such Stock will be acquired for an amount equal to its fair market value at the time of acquisition. Amendments to the Plan will also clarify that the trustee may effect purchases of Common Stock from Middle South under its Dividend Reinvestment and Stock Purchase Plan or any other similar plan made available to all record holders of Common Stock which may be in effect from time to time, at the purchase price provided for in such plan.

It is stated that no special or severable fees, commissions or expenses will be incurred by Middle South in connection with the proposed transaction. It is further stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 24, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-17083 Filed 6-4-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 715]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the **Federal Register.**

Individual vessel applications for fishing in 1980 have been received from the Governments of Japan, Spain, the Union of Soviet Socialist Republics (Joint Venture), the Polish People's Republic, and the People's Republic of Bulgaria, and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (Telephone: (202) 634-7432).

Dated: May 30, 1980.

Larry L. Snead,

Acting Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows

Code	Fishery	Regional Council
ABS....	Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA....	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB....	Crab (Bering Sea)	North Pacific.
GOA...	Gulf of Alaska	North Pacific.
NWA...	Northwest Atlantic	New England, Mid-Atlantic.
SMT....	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA....	Snails (Bering Sea)	North Pacific.
WOC..	Washington, Oregon, California Trawl.	Pacific.
PBS....	Pacific Billfish and Sharks	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity Code and Fishing Operations

1—Catching, processing, and other support
2—Processing and other support only
3—Other support only

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Poland:			
Sirius, large stern trawler	PL-80-0062	WOC, GOA, BSA	1
Denebola, stern trawler	PL-80-0075	WOC, GOA, BSA	1
Bulgaria:			
Alka, large stern trawler	BU-80-0017	NWA	1
Segita, stern trawler	BU-80-0020	NWA	1
Spain:			
Peixe Do Mar, side trawler	SP-80-0005	NWA	1
Britania, medium stern trawler	SP-80-0074	NWA	1
Vilachan, medium stern trawler	SP-80-0078	NWA	1
Juancho, side trawler	SP-80-0089	NWA	1
Villa Ana, side trawler	SP-80-0145	NWA	1
Costa Del Cabo, side trawler	SP-80-0150	NWA	1
Iberia, medium stern trawler	SP-80-0151	NWA	1
Maposa Cuarto, medium stern trawler	SP-80-0152	NWA	1
Maposa Octavo, medium stern trawler	SP-80-0153	NWA	1
Maposa Primero, medium stern trawler	SP-80-0154	NWA	1
Maposa Segundo, medium stern trawler	SP-80-0155	NWA	1
Maposa Septimo, medium stern trawler	SP-80-0156	NWA	1
Maposa Tercero, medium stern trawler	SP-80-0157	NWA	1
Maria Teresa Rodriguez, medium stern trawler	SP-80-0158	NWA	1
Navijosa Noveno, medium stern trawler	SP-80-0159	NWA	1
Navijosa Octavo, medium stern trawler	SP-80-0160	NWA	1
Navijosa Quinto, medium stern trawler	SP-80-0161	NWA	1
Navijosa Septimo, medium stern trawler	SP-80-0162	NWA	1
Navijosa Sexto, medium stern trawler	SP-80-0163	NWA	1
Pegago Cuarto, medium stern strawler	SP-80-0164	NWA	1
Codeside, stern trawler	SP-80-0165	NWA	1
U.S.S.R. (joint venture):			
Novaya Era, stern trawler	UR-80-0065	BSA, GOA	2
Mys Prokofyeva, stern trawler	UR-80-0186	BSA, GOA	2
Japan:			
Marine Ace, cargo/transport	JA-80-0002 (modification)	CRB, GOA, BSA, SNA, NWA	3
Hoken Maru No. 38, medium stern trawler	JA-80-1164	BSA	1
Kishin Maru, cargo/transport	JA-80-1165	BSA, CRB, GOA	3
Uno Maru No. 7, cargo/transport	JA-80-1166	BSA, CRB, GOA	3
Dai Maru No. 37, longlinger	JA-80-1220	ABS	1
Choko Maru No. 68, longliner	JA-80-1261	ABS	1
Shoshin Maru No. 82, longliner	JA-80-1308	ABS	1
Sumi Maru No. 15, longliner	JA-80-1329	ABS	1
Shofuku Maru No. 78, longliner	JA-80-1360	ABS	1
Zensei Maru No. 11, longliner	JA-80-1361	ABS	1
Zensei Maru No. 18, longliner	JA-80-1362	ABS	1
Zensei Maru No. 23, longliner	JA-80-1363	ABS	1
Zenko Maru No. 26, longliner	JA-80-1364	ABS	1
Zenko Maru No. 68, longliner	JA-80-1365	ABS	1
Zenko Maru No. 36, longliner	JA-80-1366	ABS	1
Koho Maru No. 12, longliner	JA-80-1367	ABS	1
Hakujin Maru No. 11, longliner	JA-80-1368	ABS	1
Seishu Maru No. 5, longliner	JA-80-1369	ABS	1
Oju Maru No. 2, longliner	JA-80-1370	ABS	1
Dai Maru No. 31, longliner	JA-80-1371	ABS	1
Matsuei Maru No. 88, longliner	JA-80-1372	ABS	1
Ryuo Maru No. 28, longliner	JA-80-1373	ABS	1
Tensho Maru, longliner	JA-80-1374	ABS	1
Hime Maru No. 28, longliner	JA-80-1375	ABS	1
Goei Maru No. 18, longliner	JA-80-1376	ABS	1
Koshin Maru No. 58, longliner	JA-80-1377	ABS	1
Hanei Maru No. 28, longliner	JA-80-1378	ABS	1
Taisei Maru No. 18, longliner	JA-80-1379	ABS	1
Shinyo Maru No. 18, longliner	JA-80-1380	ABS	1
Chokyu Maru No. 18, longliner	JA-80-1381	ABS	1
Shinei Maru No. 58, longliner	JA-80-1382	ABS	1
Katsu Maru No. 33, longliner	JA-80-1383	ABS	1
Fukuyoshi Maru No. 18, longliner	JA-80-1384	ABS	1
Taka Maru No. 28, longliner	JA-80-1385	ABS	1
Zuiryo Maru No. 8, longliner	JA-80-1386	ABS	1
Koho Maru No. 58, longliner	JA-80-1387	ABS	1
Takashima Maru No. 8, longliner	JA-80-1388	ABS	1
Otori Maru No. 28, longliner	JA-80-1389	ABS	1
Koei Maru No. 11, longliner	JA-80-1390	ABS	1
Daito Maru No. 38, longliner	JA-80-1391	ABS	1
Ryoei Maru No. 38, longliner	JA-80-1392	ABS	1
Fukuyoshi Maru No. 28, longliner	JA-80-1393	ABS	1
Kinpo Maru No. 88, longliner	JA-80-3008	PBS	1
Fukuyoshi Maru No. 3, longline	JA-80-3648	PBS	1
Isuzu Maru No. 23, longline	JA-80-3649	PBS	1
Sachi Maru No. 108, longline	JA-80-3650	PBS	1
Ryuho Maru No. 85, longline	JA-80-3651	PBS	1
Kinei Maru No. 10, longline	JA-80-3652	PBS	1
Kyoei Maru No. 18, longline	JA-80-3653	PBS	1
Sakichi Maru No. 11, longline	JA-80-3654	PBS	1
Daiyu Maru No. 8, longline	JA-80-3655	PBS	1
Taiko Maru No. 11, longline	JA-80-3656	PBS	1

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Nikko Maru No. 38, longline	JA-80-3657	PBS	1
Seiryo Maru No. 2, longline	JA-80-3658	PBS	1
Sumi Maru No. 28, longline	JA-80-3659	PBS	1
Genryo Maru No. 55, longline	JA-80-3660	PBS	1
Kamo Maru No. 68, longline	JA-80-3661	PBS	1
Seiju Maru No. 35, longline	JA-80-3662	PBS	1
Takaya Maru No. 1, longline	JA-80-3663	PBS	1
Tenyu Maru No. 1, longline	JA-80-3664	PBS	1
Shinzan Maru, longline	JA-80-3665	PBS	1
Shinzan Maru No. 2, longline	JA-80-3666	PBS	1
Shinzan Maru No. 3, longline	JA-80-3667	PBS	1
Yuryo Maru No. 51, longline	JA-80-3668	PBS	1
Fukucho Maru No. 38, longline	JA-80-3669	PBS	1
Fukucho Maru No. 61, longline	JA-80-3670	PBS	1
Daikichi Maru No. 31, longline	JA-80-3671	PBS	1
Meisho Maru No. 8, longline	JA-80-3672	PBS	1
Dairin Maru No. 35, longline	JA-80-3673	PBS	1
Koryo Maru No. 6, longline	JA-80-3674	PBS	1
Kinsyo Maru No. 5, longline	JA-80-3675	PBS	1
Fukutoku Maru No. 8, longline	JA-80-3676	PBS	1
Shinsei Maru No. 35, longline	JA-80-3677	PBS	1
Masayoshi Maru No. 21, longline	JA-80-3678	PBS	1
Akita Maru No. 11, longline	JA-80-3679	PBS	1
Kaigata Maru No. 31, longline	JA-80-3680	PBS	1
Fukuju Maru No. 32, longline	JA-80-3681	PBS	1
Ryusei Maru No. 33, longline	JA-80-3682	PBS	1
Chitose Maru No. 28, longline	JA-80-3683	PBS	1
Ebisu Maru No. 26, longline	JA-80-3684	PBS	1
Chokyu Maru No. 18, longline	JA-80-3685	PBS	1
Koushin Maru No. 18, longline	JA-80-3686	PBS	1
Koushou Maru No. 38, longline	JA-80-3687	PBS	1
Shinsei Maru No. 35, longline	JA-80-3688	PBS	1
Kosho Maru No. 8, longline	JA-80-3689	PBS	1
Ito Maru No. 18, longline	JA-80-3690	PBS	1
Yamato Maru No. 1, longline	JA-80-3691	PBS	1
Kazuei Maru No. 8, longline	JA-80-3692	PBS	1
Shinei Maru No. 18, longline	JA-80-3693	PBS	1
Shoun Maru No. 22, longline	JA-80-3694	PBS	1
Gyoei Maru No. 8, longline	JA-80-3695	PBS	1
Gyosho Maru No. 18, longline	JA-80-3696	PBS	1
Gyoko Maru No. 18, longline	JA-80-3697	PBS	1
Kazu Maru No. 36, longline	JA-80-3698	PBS	1
Takaei Maru, longline	JA-80-3699	PBS	1
Jinyo Maru No. 18, longline	JA-80-3700	PBS	1
Shinsei Maru No. 38, longline	JA-80-3701	PBS	1
Fuku Maru No. 38, longline	JA-80-3702	PBS	1
Yoshi Maru No. 18, longline	JA-80-3703	PBS	1
Tatsusho Maru No. 1, longline	JA-80-3704	PBS	1
Tatsuei Maru No. 18, longline	JA-80-3705	PBS	1
Keiryo Maru, longline	JA-80-3706	PBS	1
Shinsei Maru No. 21, longline	JA-80-3707	PBS	1
Suehiro Maru No. 11, longline	JA-80-3708	PBS	1
Ryuo Maru No. 8, longline	JA-80-3709	PBS	1
Hanei Maru No. 1, longline	JA-80-3710	PBS	1
Fuji Maru No. 11, longline	JA-80-3711	PBS	1
Fuji Maru, longline	JA-80-3712	PBS	1
Oogurokouei Maru, longline	JA-80-3713	PBS	1
Toyo Maru No. 1, longline	JA-80-3714	PBS	1
Sansha Maru No. 6, longline	JA-80-3715	PBS	1
Eiryou Maru, longline	JA-80-3716	PBS	1
Matsu Maru No. 12, longline	JA-80-3717	PBS	1
Matsu Maru No. 11, longline	JA-80-3718	PBS	1
Tenyu Maru No. 8, longline	JA-80-3719	PBS	1
Kaisei Maru, longline	JA-80-3720	PBS	1
Teru Maru No. 8, longline	JA-80-3721	PBS	1
Fukutoku Maru No. 2, longline	JA-80-3722	PBS	1
Yuryo Maru No. 2, longline	JA-80-3723	PBS	1
Tomo Maru, longline	JA-80-3724	PBS	1
Fuku Maru, longline	JA-80-3725	PBS	1
Taei Maru No. 2, longline	JA-80-3726	PBS	1
Seijyu Maru No. 8, longline	JA-80-3727	PBS	1
Seijyu Maru, longline	JA-80-3728	PBS	1
Katsuho Maru No. 38, longline	JA-80-3729	PBS	1
Otoyo Maru No. 2, longline	JA-80-3730	PBS	1
Hikari Maru, longline	JA-80-3731	PBS	1
Ryuei Maru, longline	JA-80-3732	PBS	1
Yushou Maru No. 2, longline	JA-80-3733	PBS	1
Shoei Maru No. 2, longline	JA-80-3734	PBS	1
Hanei Maru No. 18, longline	JA-80-3735	PBS	1
Tokuei Maru No. 5, longline	JA-80-3736	PBS	1
Shinsei Maru No. 11, longline	JA-80-3737	PBS	1
Kairyou Maru, longline	JA-80-3738	PBS	1

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Taiyou Maru No. 8, longline	JA-80-3739	PBS	1
Yusho Maru No. 8, longline	JA-80-3740	PBS	1
Koyu Maru No. 8, longline	JA-80-3741	PBS	1
Dairyou Maru No. 28, longline	JA-80-3742	PBS	1
Asashio Maru No. 8, longline	JA-80-3743	PBS	1
Ryosei Maru No. 1, longline	JA-80-3744	PBS	1
Tomi Maru No. 5, longline	JA-80-3745	PBS	1
Seifuku Maru No. 8, longline	JA-80-3746	PBS	1
Shinei Maru No. 8, longline	JA-80-3747	PBS	1
Eishin Maru No. 8, longline	JA-80-3748	PBS	1
Yuko Maru No. 8, longline	JA-80-3749	PBS	1
Yashima Maru No. 8, longline	JA-80-3750	PBS	1
Gyotoku Maru No. 8, longline	JA-80-3751	PBS	1
Miyoshi Maru, longline	JA-80-3752	PBS	1
Houei Maru No. 1, longline	JA-80-3753	PBS	1
Yukou Maru No. 3, longline	JA-80-3754	PBS	1
Kichihou Maru No. 8, longline	JA-80-3755	PBS	1
Wako Maru No. 5, longline	JA-80-3756	PBS	1
Koyo Maru No. 5, longline	JA-80-3757	PBS	1
Shinyou Maru No. 8, longline	JA-80-3758	PBS	1
Kazuei Maru No. 3, longline	JA-80-3759	PBS	1
Koyo Maru No. 8, longline	JA-80-3760	PBS	1
Chiyo Maru No. 5, longline	JA-80-3761	PBS	1
Isami Maru No. 8, longline	JA-80-3762	PBS	1
Koei Maru No. 1, longline	JA-80-3763	PBS	1
Kiho Maru, longline	JA-80-3764	PBS	1
Hide Maru No. 8, longline	JA-80-3765	PBS	1
Shinei Maru, longline	JA-80-3766	PBS	1
Yuki Maru, longline	JA-80-3767	PBS	1
Heian Maru No. 8, longline	JA-80-3768	PBS	1
Kouei Maru No. 8, longline	JA-80-3769	PBS	1
Yoshifuku Maru No. 3, longline	JA-80-3770	PBS	1
Yuuhou Maru, longline	JA-80-3771	PBS	1
Koushin Maru, longline	JA-80-3772	PBS	1
Katsuyuu Maru No. 1, longline	JA-80-3773	PBS	1
Miyo Maru No. 1, longline	JA-80-3774	PBS	1
Seikou Maru, longline	JA-80-3775	PBS	1
Shinei Maru, longline	JA-80-3776	PBS	1
Nippou Maru No. 3, longline	JA-80-3777	PBS	1
Sanei Maru No. 1, longline	JA-80-3778	PBS	1
Yuri Maru, longline	JA-80-3779	PBS	1
Yoshifuku Maru No. 5, longline	JA-80-3780	PBS	1
Syosei Maru, longline	JA-80-3781	PBS	1
Shima Maru No. 3, longline	JA-80-3782	PBS	1
Azuma Maru, longline	JA-80-3783	PBS	1
Tenshou Maru No. 3, longline	JA-80-3784	PBS	1
Hakuyou Maru, longline	JA-80-3785	PBS	1
Atsu Maru, longline	JA-80-3786	PBS	1
Hisatoshi Maru, longline	JA-80-3787	PBS	1
Toshiei Maru, longline	JA-80-3788	PBS	1
Fukusho Maru, longline	JA-80-3789	PBS	1
Kousei Maru No. 1, longline	JA-80-3790	PBS	1
Seiryo Maru, longline	JA-80-3791	PBS	1
Kinko Maru No. 1, longline	JA-80-3792	PBS	1
Tokiwa Maru No. 3, longline	JA-80-3793	PBS	1
Hisayoshi Maru, longline	JA-80-3794	PBS	1
Katsu Maru No. 5, longline	JA-80-3795	PBS	1
Koryo Maru No. 5, longline	JA-80-3796	PBS	1
Tetsuei Maru, longline	JA-80-3797	PBS	1
Seiko Maru, longline	JA-80-3798	PBS	1
Toyo Maru, longline	JA-80-3799	PBS	1
Oji Maru, longline	JA-80-3800	PBS	1
Ryoei Maru, longline	JA-80-3801	PBS	1
Kyoei Maru No. 8, longline	JA-80-3802	PBS	1
Nichtei Maru No. 1, longline	JA-80-3803	PBS	1
Nichiei Maru No. 8, longline	JA-80-3804	PBS	1
Ryoei Maru No. 15, longline	JA-80-3805	PBS	1
Choei Maru No. 1, longline	JA-80-3806	PBS	1
Konpira Maru No. 8, longline	JA-80-3807	PBS	1

[FR Doc. 80-17039 Filed 6-4-80; 8:45 am]
BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from July 14 at 1 p.m. through July 18, 1980, at 12 p.m., in the Director's Conference Room, Third Floor of the FAA Rocky Mountain Regional Office, 10455 East 25th Avenue, Aurora, Colorado.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and

upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Frank L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., S.W., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on May 29, 1980.

F. L. Cunningham,

Executive Director, ATPAC.

[FR Doc. 80-16905 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: City of Bossier City, Bossier Parish, La.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Bossier Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Perret, Project Development Engineer, Federal Highway Administration, Louisiana Division, P.O. Box 3929, Baton Rouge, Louisiana 70821, Telephone: (504) 389-0466; or Mr. Henry G. Pylant, Public Hearings and Environmental Impact Engineer, Louisiana Department of Transportation and Development, Office of Highways, P.O. Box 44245, Capitol Station, Baton Rouge, Louisiana 70804, Telephone: (504) 342-7520.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Louisiana Department of Transportation and Development, Office of Highways and the City of Bossier City will prepare an environmental impact statement (EIS) for a proposed highway improvement from Louisiana Highway 511 to Interstate Route 20 (I-20). The proposed action would be between 4 and 6 miles in length depending on the alternative that is selected.

The alternatives under consideration are no build, upgrade of existing facility, two separate alternative alignments which would comprise construction of a parkway (no heavy truck traffic allowed) facility with limited control of access on new right-of-way, and construction of an expressway facility with limited control of access on new right-of-way.

The need for this proposed project was envisioned in 1956 with a preliminary "Corridor Feasibility Study" completed in 1978. Improvements to the narrow corridor which is bound on the east by Barksdale Air Force Base and on the west by the Red River are considered necessary to provide for the existing and projected traffic demand.

The early coordination process began as part of earlier studies and a public information meeting was held in conjunction with the "Corridor Feasibility Study." Letters describing the proposed action and soliciting views have been sent to appropriate state, federal, local government agencies and private organizations. A formal scoping meeting is not planned at this time.

To make sure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and individuals interested in submitting comments or questions should contact the FHWA or Louisiana Department of Transportation and Development at the addresses provided above.

Issued on May 21, 1980.

K. A. Perret,

Project Development Engineer, Louisiana Division, Baton Rouge, La.

[FR Doc. 80-16881 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Lane County, Oreg.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway in Lane County, Oregon.

FOR FURTHER INFORMATION CONTACT: Paul V. Riedl, Environmental Coordinator, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone: (503) 378-3832.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to reconstruct a 5.44 mile section of the Oregon Coast Highway (State Route No. 9/US-101) in Lane County, Oregon. The project area has both urban and rural conditions, and passes through the northerly limits of the small urban community of Florence, 60 miles west of Eugene and 48 miles north of Coos Bay. The proposed improvements are considered necessary to provide for the existing and projected traffic demand and a safe and efficient highway meeting modern design standards.

Alternatives under consideration include (1) taking no action and (2) reconstructing three sections of the existing two-lane highway to current standards; sections consist of five lanes (including a turning median), three lanes (including a turning median) and two lanes. The five-lane section includes two design options: a twenty-foot offset easterly of the existing centerline or widening on both sides of the roadway.

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to citizens who have previously been involved and expressed interest in this proposal. As necessary public meetings will be held and, in addition, a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on May 22, 1980.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oreg.

[FR Doc. 80-17025 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Richmond County, Ga.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Richmond County, Georgia.

FOR FURTHER INFORMATION CONTACT: David H. Densmore, Development Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street NE, Atlanta, Georgia

30309, telephone (404) 881–4758, or Peter Malphurs, Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to construct a new facility consisting of two twelve-foot travel lanes in each direction, separated by a fourteen-foot flush median. The project, known as the Murray Road Extension, will be controlled access, and constructed primarily on new alignment. The project will begin in the vicinity of the Richmond-Columbia County line near Pleasant Home Road, and continue southeasterly to terminate in the vicinity of Broad/Reynolds/Eve Streets. The project distance is 6.8 miles, and is identified as M–7050(1) Richmond County. The proposed work is necessary to relieve current and predicted traffic volumes entering and exiting the Augusta Central Business District along Washington Road.

Alternatives under consideration include (1) taking no action; and (2) constructing a four-lane, controlled access highway on new alignment. Incorporated into and studied with the build alternatives will be design variations in alignment.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies who have previously expressed interest in this proposal. No formal scoping meetings have been scheduled at this time. A public hearing will be scheduled after preparation of the draft EIS. Public notice will be given of the time and place of the hearing.

To insure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be addressed to either the FHWA, or the Georgia DOT, addresses of which are provided above.

Issued on May 27, 1980.

David H. Densmore,

Development Engineer, Atlanta, Ga.

[FR Doc. 80–17026 Filed 6–4–80; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Marion County, Ind.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed widening of Raymond Street between Kentucky Avenue and Shelby Street on the near south side of Indianapolis, Marion County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmentalist, Federal Highway Administration, Room 254 Federal Office Building, 575 North Pennsylvania Street, Indianapolis, Indiana 46204. Telephone: (317) 269–7481.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana State Highway Commission and the Indianapolis Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to widen Raymond Street between Kentucky Avenue on the west and Shelby Street on the east. Raymond Street is located on the near south side of Indianapolis, Marion County, Indiana. The proposal includes construction of two additional lanes of pavement on the bridge over White River (piers were extended when the bridge was originally constructed), a railroad grade separation structure, an additional lane of pavement construction on the Raymond Street overpass of Madison Avenue and pavement widening. Total proposed project study length is approximately 3.10 miles. Approximately 1.5 miles between Kentucky Avenue and White River were improved previously and will not be further improved.

The proposal is intended to provide the connecting link on Raymond Street between Interstate 70 on the west and Interstate 65 on the east. The capacity of the street will increase with proposed project implementation.

The following alternatives are being considered: (1) Do Nothing; and (2) widening the existing pavement to four lanes. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments have been sent to thirty-seven Federal, State and local agencies, and private organizations, neighborhood associations, and citizens who had previously expressed interest in this proposal. A public information meeting was held on December 10, 1979; a second meeting is planned for the week of June 2, 1980. In addition, the opportunity for a public hearing will be advertised. Public notice will be given of the time and place of the public hearing. The draft EIS will be available for public and agency review and comment. A formal scoping meeting is planned at 9:30 a.m. on June 19, 1980 in Room 1201 Conference Room of the Indiana State Office Building, 100 North Senate Avenue, Indianapolis, Indiana.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and individuals interested in submitting comments and/or questions should direct them to FHWA at the address provided above.

Issued on May 28, 1980.

George D. Gibson,

Division Administrator, Indianapolis, Ind.

[FR Doc. 80–17027 Filed 6–4–80; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Waiver Petition Docket HS–80–4]

North Country Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and § 211.9, notice is hereby given that the North Country Railroad (NCR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the NCR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The NCR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity

for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–80–4 and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Department of Transportation (Nassif Building), 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 11, 1980, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Department of Transportation (Nassif Building), 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C., on May 27, 1980.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 80–17028 Filed 6–4–80; 8:45 am]

BILLING CODE 4910–06–M

Chicago & North Western Transportation Co.; Notice of Hearing

The Chicago and North Western Transportation Company (C&NW) has petitioned the Federal Railroad Administration (FRA) for approval of proposed modifications of a portion of its signal system. The proposed modification modification of a portion of its signal system. The proposed involves discontinuance of the automatic train control system between Chicago, Illinois and Council Bluffs, Iowa; installation of an automatic train stop system between Chicago, Illinois and Geneva, Illinois; and installation of a traffic control system between M. P. 3.6, Chicago, Illinois, and East Council Bluffs, Iowa.

The Railroad Safety Board of the Federal Railroad Administration has voted to hold a public hearing before entering its decision in this proceeding. Accordingly, a public hearing is hereby set for 10 a.m. on July 15, 1980. The public hearing will be held in Room 905 of the Federal Office Building located at 536 South Clark Street, Chicago, Illinois.

The hearing will be an informal one and will be conducted in accordance with the provisions of section 211.25 of the Federal Railroad Administration, Rules of Practice (49 CFR Part 211). A representative designated by the Board will conduct this hearing.

The hearing will not be an adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The representative of the Board will make an opening statement outlining the scope of the hearing and will provide interested persons with an opportunity to make statements or rebuttal statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the start of the hearing.

This notice is issued under authority of Section 25 of the Interstate Commerce Act, 49 U.S.C. 26; and § 1.49(g) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).

Issued in Washington, D.C., on May 27, 1980.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 80–17029 Filed 6–4–80; 8:45 am]

BILLING CODE 4910–06–M

[Docket No. RFA 511–80–2]

Regional Transportation Authority; Receipt of Application

The Regional Transportation Authority (RTA), headquartered at 300 North State Street, Chicago, Illinois 60610, has applied to the Federal Railroad Administration for a guarantee under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 945 U.S.C. 831) of a loan for $46,000,000. The funds will be used to acquire and rehabilitate the assets needed to operate the Rock Island commuter line between Joliet, Illinois, and downtown Chicago, including the branch known as the "Suburban Branch." The line passes through Will and Cook Counties. The project includes rehabilitation of 30 bi-level cars used on the line and construction of a new passenger depot near the present LaSalle Street Station. RTA states that it is undertaking this project in order to preserve essential freight and passenger service on the line in the face of the imminent liquidation of the Rock Island.

Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than July 7, 1980. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

If the commenter wishes acknowledgment of the Federal Railroad Administration's receipt of the comments, the commenter may include a self-addressed stamped postcard with the comments, which will be returned upon the Federal Railroad Administration's receipt of the comments. The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, no other formal acknowledgment of the comments will be provided.

Issued in Washington, D.C., on May 16, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80–16886 Filed 6–4–80; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

Safety, Bumper, and Consumer Information Programs, Change of Date and Request for Questions; Public Meetings

The NHTSA/Industry Public meeting previously scheduled for July 16, 1980, has been changed to July 9, 1980. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the July 9 meeting, representatives of DOT will answer questions received in writing from the industry and the public relating to NHTSA's vehicle safety, bumper, or consumer information programs which are technical, interpretative or procedural in nature. The questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions.)

Questions for the July 9 meeting must be submitted in writing by June 30 to Michael M. Finkelstein, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street SW, Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the June 30 date may be answered at the meeting, if sufficient time is available. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by June 30 will be available at the meeting and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies for the transcript will be available in four to five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street SW, Washington, D.C. 20590.

Succeeding meeting will be held on October 8, 1980.

Issued in Washington, D.C., on May 27, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-16771 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP80-8; Notice 1]

Spring Valley Dodge, Inc.; Receipt of Petition for Determination of Inconsequentiality

Spring Valley Dodge, Inc. of Spring Valley, New York has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.217, Motor Vehicle Safety Standard No. 217, *Bus Window Retention and Release,* on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and 49 CFR Part 556, and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3.3 of Standard No. 217 requires that when the emergency door release mechanism is not in the closed position and the vehicle ignition is in the "on" position, "a continuous warning sound shall be audible at the driver's seating position and in the vicinity of the emrgency door having the enclosed mechanism." As the agency stated in the preamble to the final rule (41 FR 3871) this means that there must be an audible alarm not only at the driver's position but at each emergency door. In its compliance testing of a 1977 model 17 passenger school bus (CIR 1984) completed by Spring Valley Dodge upon a Dodge van chassis, NHTSA discovered that the bus was equipped with only one alarm, positioned at the driver's seat. In response to inquiry, Spring Valley acknowledged the noncompliance and stated that it existed on approximately 600 buses manufactured between April 1, 1977, and August 1, 1979. The company has petitioned for an inconsequentiality determination on the basis that the single warning signal is sufficient for a small bus such as it manufactures.

Interested persons are invited to submit written data, views, and arguments on the petition of Spring Valley Dodge described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 7, 1980.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 29, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-17110 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement

In accordance with the provisions of the National Environmental Policy Act (83 Stat. 852) the Council on Environmental Quality's implementing regulatons (40 CFR Parts 1500-1508) and the Urban Mass Transportation Administration's Policy on Major Urban Mass Transportation Investments (pubished in the **Federal Register** on September 22, 1976) the Urban Mass Transportation Administration hereby gives notice that an analysis of transportation alternatives in the North Corridor of the Baltimore Region and preparation of related Draft and Final Environmental Impact Statements are to begin following the public meetings on June 24 and 25, 1980 at which time the scope and conduct of the analysis will be discussed. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, range of alternatives to be studied and decision criteria. The scoping meetings will be held at 7:30 p.m. June 24, 1980 at Poly-Western High School, Baltimore, Maryland and at 2:00 p.m. June 25, 1980 at the Maryland Department of Transportation's Mass Transit Administration (MTA) offices at 109 E. Redwood Street, Baltimore, Maryland. The purpose of these meetings is to help establish the basis purpose and framework for the alternatives analysis study, not to express prferences for a specific alternative or alternatives.

The Urban Mass Transportation Administration's *Policy on Major Urban Mass Transportation Investments* requires the appropriate local agency or organization to undertake such an analysis of alternatives if Federal funding for a major investment is contemplated. The Policy defines a major investment as any project which involves new construction or extension of a fixed guideway system. To be eligile for Federal funding, the analysis must be conducted, but completion of the analysis does not ensure that Federal funding will be forthcoming. Federal funds are limited, and thus any project proposal resulting from the analysis must vie for these funds against other candidate projects nationally.

The subject Alternatives Analysis will be conducted by the Mass Transit Administration (MTA) of the Maryland Department of Transportation and a project advisory committee comprised of areawide transportation officials. Consultant support will also be used in this effort.

The North Corridor extends from the vicinity of Hunt Valley through Towson to Baltimore Metrocenter and encompasses the Jones Falls Expressway (I-83), the ConRail North-Central rail line and York Road, as well as other related transportation facilities.

Alternatives proposed for study include the following:

(1) Rail transit primarily on the existing ConRail right-of-way.

(2) An exclusive busway primarily on the existing ConRail right-of-way.

(3) Express bus services on the Jones Falls Expressway (I-83) with associated actions to increase their speed and reliability.

(4) A no build alternative.

All build alternatives will feature extensive park/ride facilities, and various Metrocenter termini and distribution schemes will be examined, including exclusive bus lanes or streets. In addition, variants of each alternative which may reduce cost or environmental impact, or improve ridership or cost

effectiveness will be studied. These variants could include a combination of the above listed alternatives or their components.

The proposed evaluation criteria will include transportation, environmental, social, economic and financial impacts as required by current Federal and State environmental laws and current Federal CEQ, UMTA and FHWA guidelines. Additional criteria relevant to local decision making will also be produced.

At the scoping meetings, staff will present the above information in more detail using maps and visual aids, as well as a study schedule and a plan for an active citizen participation program. The majority of the meeting will be devoted to public comments on the proposed scope and conduct of the analysis. The public and affected public agencies will be invited to comment either orally at the meeting(s) or in writing for a period of fifteen days after. Appropriate adjustments to the proposed work scope and alternatives will be made in response.

If there are any questions, please contact Mr. John Caruolo, 434 Walnut Street, Suite 1010, Urban Mass Transportation Administration, Region III, Philadelphia, Pa. 19106, telephone (215) 597–4179, or the MTA project director, Mr. Theodore von Briesen at the Mass Transit Administration, 109 E. Redwood Street, Baltimore, Maryland, 21202, telephone (301) 381–3596.

Dated: May 30, 1980.

Robert H. McManus,

Associate Administrator for Planning, Management and Demonstrations.

[FR Doc. 80-17111 Filed 6-4-80; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 80-150]

Tuna Fish—Tariff-Rate Quota

In the matter of the tariff-rate quota for the calendar year 1980, on tuna classifiable under item 112.30, Tariff Schedules of the United States.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for tuna for calendar year 1980.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 112.30, Tariff Schedules of the United States (TSUS), is based on the U.S. pack of canned tuna during the preceding calendar year.

EFFECTIVE DATES: The 1980 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Helen C. Rohrbaugh, Head, Quota Section, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229 (202–566–8592).

It has now been determined that 109,074,094 pounds of tuna may be entered for comsumption or withdrawn from warehouse for consumption during the calendar year 1980 at the rate of 6 per centum ad valorem under item 112.30, TSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 per centum ad valorum under item 112.34 of the tariff schedules.

(QUO–2–0:D:S:Q GH)

Dated: May 30, 1980.

R. E. Chasen,

Commissioner of Customs.

[FR Doc. 80-17095 Filed 6-4-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 110
Thursday, June 5, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., June 10, 1980.

PLACE: 2033 K Street N.W., Washington, D.C., fifth floor meeting room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

—Budget, Plans, Programs and Priorities.
—Financial Rule Enforcement Review.
—Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1099-80 Filed 6-3-80; 3:37 pm]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, June 2, 1980, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum and Resolution re: Standard Descriptive Terms to be Used in Competitive Factor Reports Prepared in Response to Interagency Requests Made Under the Bank Merger Act.

Resolution retitling the Office of Compliance Programs to the Office of Consumer and Compliance Programs.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: June 2, 1980.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-1095-80 Filed 6-3-80; 3:07 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 2, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Case No. 44,339-L—State Bank of Clearing, Chicago, Illinois.

Memorandum re: American Bank & Trust Company, New York, New York.

Policy regarding rotation of Assistant Regional Directors.

The Board further determined, by that same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(9)(B), and (c)(10)).

Dated: June 2, 1980.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-1096-80 Filed 6-3-80; 3:07 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 9, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Board of Governors of the Federal Reserve System for a report on the competitive factors involved in the proposed merger of The Central Trust Company, Reynoldsburg, Ohio, and The Farmers and Citizens Bank, Lancaster, Ohio.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Gibbs, Roper, Loots & Williams, Milwaukee, Wisconsin, in connection with the liquidation of American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Memorandum re: Reports Required Under Delegated Authority—Liquidations Using One Signature System.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Alan J. Kaplan, Assistant Executive Secretary of the Corporation, at (202) 389-4446.

Dated: June 2, 1980.

Federal Deposit Insurance Corporation.
Alan J. Kaplan,
Assistant Executive Secretary.
[S-1097-80 Filed 6-3-80; 3:07 pm]
BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meetings.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 9, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B) and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Hamilton County State Bank, a proposed new bank, to be located at 623 West Wyoming Avenue, Lockland, Ohio, for Federal deposit insurance.
F & M Bank of Appleton, a proposed new bank, to be located at 1735 East Calumet Street, Appleton, Wisconsin, for Federal deposit insurance.

Application for consent to establish a branch:

Niagara County Savings Bank, Niagara Falls, New York, for consent to establish a branch at 767 Cayuga Street, Village of Lewiston, New York.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,336-L—North Point State Bank, Arlington Heights, Illinois.
Memorandum re: Franklin National Bank, New York, New York.
Memorandum re: Northeast Bank of Houston, Houston, Texas.
Memorandum re: North Point State Bank, Arlington Heights, Illinois.
Memorandum and Resolution re: The Drovers' National Bank of Chicago, Chicago, Illinois.

Reports of committees and officers:

Memorandum re: Reports Required Under Delegated Authority—Sale of Lots.
Memorandum re: Reports Required Under Delegated Authority—Sales of Property.
Audit Report re: Liquidation Audits, dated January 7, 1980.

Recommendations with respect to the initiation, termination, or conduct of administrative enforceement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc:

Names of employees authorizd to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Alan J. Kaplan, Assistant Exective Secretary of the Corporation, at (202) 389-4446.

Dated: June 2, 1980.
Federal Deposit Insurance Corporation.
Alan J. Kaplan,
Assistant Executive Secretary.
[S-1098-80 Filed 6-3-80; 3:07 pm]
BILLING CODE 6714-01-M

6

[FR No. 1058]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: 10 a.m., Wednesday, June 4, 1980.

PLACE: 1325 K Street NW., Washington, D.C.

CHANGES IN MEETING: The following items have been added to the agenda:

1. Personnel (continued from June 3, 1980).
2. Litigation (continued from June 3, 1980).
3. Threshold Audit (continued from June 3, 1980).
4. Failure by the 1976 Democratic Presidential Campaign Committee, Inc. to Make Repayment of Public Funds.

* * * * *

DATE AND TIME: 10 a.m., Tuesday, June 10, 1980.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Personnel.

* * * * *

DATE AND TIME: 10 a.m., Thursday, June 12, 1980.

PLACE: 1325 K Street NW., Washington, D.C., fifth floor.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Certifications.
Advisory opinions as follows:
AO 1980-42. Harold Haddon, Campaign Manager, Hart for Senate Campaign Committee.
AO 1980-46. J. Curtis Herge, National Conservative PAC (NCPAC).
AO 1980-53. Cedric A. Richner, Jr., Vice President and General Counsel, Kelly Services.
AO 1980-54. Robert P. McLeod, First National Bank of West Monroe, La.
AO 1980-56. Bert DeLecuw, Executive Director, The Citizens' Party.
1980 Election and Related Matters.
Letters to State and Local Party Committees.
Appropriations and Budget.
Pending Legislation.
Classification Actions.
Routine Administrative Matters.
Budget Execution Report.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.
[S-1101-80 Filed 6-3-80; 3:56 pm]
BILLING CODE 6715-01-M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR p. 37577, June 3, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 6, 1980.

PLACE: 1700 G Street NW., fifth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The meeting scheduled for June 6, 1980 at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C., fifth floor, chairman's conference room will not be held. Instead, it will be held in the FDIC Building at 515 17th Street, sixth floor, Washington, D.C., at 9:30 a.m.

Announcement is being made at the earliest practicable time.

No. 355, June 3, 1980.
[S-1092-80 Filed 6-3-80; 12:19 pm]
BILLING CODE 6720-01-M

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., June 12, 1980.

PLACE: Hearing Room One, 1100 L Street N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly Report of actions taken pursuant to authority delegated to the Managing Director.
2. Reconsideration of conditional order of approval of Agreements Nos. 161–35, 8770–8, 9988–9, 10140–10, 10270–1, and 10182–4.
3. Agreement No. 10045–3: Modification of the Florida/Panama Rate Agreement and Agreement No. 10105–1: Modification of the Florida/Guatemala, Honduras and El Salvador Rate Agreement to admit Sea-Land Service, Inc., as a party; to expand their geographic scopes; and for other purposes.
4. Notice of Proposed Rulemaking to Delete from General Order 4 the Requirement that Notice of Independent Ocean Freight Forwarder License Applications be Published in the **Federal Register.**
5. Amendments to General Order 13 accommodating the tariff filing requirements for controlled carriers under the Ocean Shipping Act of 1978.
6. Petitions for reconsideration of awards of interest in Informal Dockets Nos. 441(I) and 667(I).
7. Informal Docket No. 775(I): William H. Kopke, Jr., Inc. v. Sea-Land Service, Inc. West Coast of Italy, Sicilian and Adriatic Ports, North Atlantic Range Conference—Review of Settlement Officer's decision.
8. Special Docket No. 704: Application of Sea-Land Service, Inc. For the Benefit of United Forwarders Service, Inc. as agent for Mirro Aluminum Co.—Consideration of the record.
9. Docket No. 79–10: Rates of Far Eastern Shipping Company—Petition of respondents for reconsideration of Commission decision.
10. Docket No. 79–104: Specific Commodity Rates of Far Eastern Shipping Company in the Philippines/U.S. Pacific Coast Trade—Consideration of request for oral argument and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1094–80 Filed 6–3–80; 2:44 pm]

BILLING CODE 6730–01–M

9

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:30 a.m., Friday, June 13, 1980.

PLACE: Room 826A, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst (202) 724–3094.

[S–1100–80 Filed 6–3–80; 3:44 pm]

BILLING CODE 4410–01–M

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of June 2, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Thursday, June 5, 1980, at 10:00 a.m.

Consideration of proposed Rule 19c–3 under the Securities Exchange Act of 1934, which would amend rules of national securities exchanges which limit or condition the ability of members to effect transactions over-the-counter in exchange traded securities, to preclude the application of those exchange rules to certain securities which were not exchange traded on April 26, 1979, or which were exchange traded on April 26, 1979, but fail to remain continuously exchange traded thereafter. For further information, please contact Bruce Beatt at (202) 272–2888.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Anne Sullivan at (202) 272–2468.

June 2, 1980.

[S–1091–80 Filed 6–3–80; 10:55 am]

BILLING CODE 8010–01–M

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SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 9, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 10, 1980, at 9:00 a.m., and immediately following the 10:00 a.m. open meeting, and on Thursday, June 12, 1980, at 9:00 a.m. An open meeting will be held on Tuesday, June 10, 1980, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more or the exemptions set forth in 5 U.S.C. 522b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 10, 1980, at 9:00 a.m., will be:

Report of investigation.
Institution of injuctive action.

The subject matter of the closed meeting scheduled for Tuesday, June 10, 1980, immediately following the 10:00 a.m. open meeting, will be:

Formal orders of investigation.
Settlement of injuctive actions.
Litigation matter.
Freedom of Information and Privacy Act appeals.
Amendment of formal order of investigation.
Freedom of Information Act appeal and confidential treatment.
Freedom of Information Act appeal.
Opinions.

The subject matter of the closed meeting scheduled for Thursday, June 12, 1980, at 9:00 a.m., will be:

Institution of administrative proceedings of an enforcement nature.

Administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Tuesday, June 10, 1980, at 10:00 a.m., will be:

1. Consideration of whether to send a proposed report to Congress on the accounting profession and the Commission's oversight role. For further information, please contact Edmund Coulson at (202) 272–2130 or Lawrence Best at (202) 272–2133.

Consideration of an application of Statement of Financial Accounting Standards No. 33 concerning the effect of changing prices to the financial statements of investment companies included in post-effective amendments to 1933 Act registration statements. For further information, please contact Larry Bloch at (202) 272–2130.

3. Consideration of whether to issue a release announcing standards, to be used by the Division of Market Regulation in connection with the registration of clearing agencies, intended to serve as staff guidelines to assist clearing agencies in modifying their organizations, capacities, and rules to comply with the clearing agency registration provisions of the Securities Exchange Act of 1934. For further information, please contact JoAnn Carpenter at (202) 272–2913.

4. Consideration of the Ninth Annual Report of the Securities Investor Protection

Corporation ("SIPC"), which SIPC has submitted to the Commission which, in turn, is required to transmit the report to the President and Congress with such comment as the Commission deems appropriate. For further information, please contact Gary R. Bronstein at (202) 272–2374.

5. Consideration of whether to adopt a technical amendment of a single account in the Commission's Uniform System of Accounts for Mutual and Subsidiary Service Companies ("Uniform System of Accounts") promulgated pursuant to the Public Utility Holding Company Act of 1935 to delete the allocation provisions of Account 421—Miscellaneous Income or Loss. For further information, please contact Grant G. Guthrie, at (202) 523–5156 or Robert P. Wason at (202) 523–5159.

6. Consideration of whether to grant the application of George H. Hildebrand for relief pursuant to Rule 252(f) of Regulation A. For further information, please contact Thomas J. Baudhuin at (202) 272–2644.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Granda at (202) 272–2091.

June 3, 1980.

[S-1093-80 Filed 6-3-80; 12:38 pm]

BILLING CODE 8010-01-M

federal register

Thursday
June 5, 1980

Part II

Department of Commerce

Improving Government Regulations; Semiannual Agenda

DEPARTMENT OF COMMERCE

13 CFR Chs. III and V; 15 CFR Chs. I–III, VIII, and XII; 32A CFR Ch. VI; 37 CFR Ch. I; 46 CFR Ch. II; 50 CFR Chs. II and VI

Improving Government Regulations; Semiannual Agenda

AGENCY: U.S. Department of Commerce.

ACTION: Semiannual Agenda of Regulations.

SUMMARY: In compliance with Executive Order 12044, the Department of Commerce (DOC) publishes twice a year an agenda of significant regulatory actions under consideration by its various units. The agenda also includes a list of existing rules and regulations selected for review. The purpose of the regulatory agenda is to provide information to the public on regulations issued by the Department and to facilitate comments and views by interested public parties.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulatory action contained in the agenda, contact the individual identified as the contact person. Comments or inquiries of a general nature about the agenda should be directed to: Robert T. Miki, Deputy Assistant Secretary for Regulatory Policy (Acting), Room 7614, Department of Commerce, Washington, D.C. 20230, Tel. (202) 377–2482.

SUPPLEMENTARY INFORMATION: On March 23, 1978, President Carter signed Executive Order 12044, "Improving Government Regulations." To comply with the Executive Order, the Department published in the **Federal Register** (44 FR 2082, January 9, 1979) Department Administrative Order (DAO) 218–7, entitled "Issuing Departmental Regulations." The Administrative Order, including appendices, establishes the overall procedures to be followed by the Department units in developing and promulgating regulations.

The Executive Order requires that all executive agencies publish semiannually an agenda of significant regulations which are under consideration. The Order also requires that the agenda include a list of regulations which the agency intends to review. On October 2, 1978, the Office of the Federal Register published the dates that the Department's semiannual agenda would appear in the **Federal Register** for the coming year. The dates specified were February 15, 1979 and August 15, 1979 (43 FR xiii). Because of unexpected delays, the Department was unable to publish its first two agenda on those dates. The Department's first agenda was published on March 7, 1979 (44 FR 12562), with an addendum published by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) on April 30, 1979 (44 FR 25354). The Department's second agenda was published on September 18, 1979 (44 FR 54166). This is the third agenda to be published by the Department. In the future, the Department's agendas will be published on May 15 and November 14 to coincide with the publication of the Regulatory Council's Calendar of Regulations (44 FR 48976).

The Executive Order directs government agencies to provide in the agenda the following information regarding significant regulations under consideration: description, need, legal basis, the name and telephone number of a knowledgeable agency official, whether a regulatory analysis is required, a list of regulations to be reviewed, and the status of regulations listed in previous agendas. In addition, the Department's agenda provides an outline of each unit's plan for obtaining public comments and the major issues to be considered before formulating final regulations.

Explanation of Information Contained in the Agenda

The Department has 13 primary operating units in addition to departmental offices. Some of the operating units, such as the Maritime Administration (MARAD), have major regulatory activities whereas other operating units, such as the Office of Minority Business Development Agency (MEBDA), currently have no regulations in effect. The departmental offices, such as the Office of Investigations and Security (OIS) and the Office of Administrative Service (OAS), have few regulations. The abbreviations and names of the DOC units which have regulatory responsibilities are as follows:

ADMIN–Assistant Secretary for Administration
EDA–Economic Development Administration
ITA–International Trade Administration
MARAD–Maritime Administration
–NOAA–National Oceanic and Atmospheric Administration (includes the Office of Coastal Zone Management (OCZM) and the National Marine Fisheries Service (NMFS))
–NTIA–National Telecommunications and Information Administration
–OCE–Office of the Chief Economist (includes the Bureau of the Census (CENSUS), Bureau of Economic Analysis (BEA), Bureau of Industrial Economics (BIE) and the Office of Federal Statistical Policy and Standards (OFSPS)
–MBDA–Minority Business Development Agency
–ORD–Office of Regional Development
–PTI–Assistant Secretary for Productivity, Technology and Innovation (includes the National Bureau of Standards (NBS), The Office of Product Standards Policy (OPSP), National Technical Information Service (NTIS), and Patent and Trademark Office (PTO)
–USTS–United States Travel Service

Schedule A contains a list of regulatory actions under consideration. Regulations under consideration include new regulations being proposed and changes, additions, or deletions to existing rules and regulations. The schedule indicates whether the regulation is significant, whether a regulatory analysis is required, and the date (month or season) that the next regulatory action is anticipated. The name, position title, and telephone number of a person familiar with the regulation is provided. Additional information on each significant action listed in Schedule A is provided in the appendix. Each agenda entry provides the information required by Executive Order 12044 and DAO 218–7.

Schedule B contains a list of existing regulations scheduled for review by DOC units over the next 12 months.

Schedule C lists regulations which appeared in the first two agendas but are deleted from Schedules A and B. The reasons for deletion are given. For example, a regulation previously under consideration was adopted or the scheduled review of an existing regulation was completed. Where appropriate a **Federal Register** citation is provided.

There are 109 regulations in the Department's agenda. Of the total, 86 are regulations under consideration (Schedule A) and 23 are existing regulations scheduled for review (Schedule B). Nine of the 13 primary operating units of the Department report regulations under consideration; the remaining units do not have regulations to report.

Of the 86 regulations reported under consideration, 56 are determined to be significant by agency heads. Twenty-five are considered not significant and the significance of 5 is unknown. Twenty regulatory analyses are being prepared (see Schedule A).

As noted above, the significance of 5 regulations is not known. In these instances, the regulations under consideration have not reached the

notice of proposed rulemaking stage or action on the regulation is not scheduled for at least six months.

A large number of the regulations presented in the agenda deal with fish management programs under NOAA's National Marine Fisheries Service. To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS's programs, a section on "Explanation of Information Contained in NMFS's Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS's Regulatory Entries

The Fishery Conservation and Management Act of 1976 (the Act), 16 U.S.C. 1801 et seq., requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles (i.e., generally from 3 to 200 miles offshore). For fisheries in the FCZ in which there is domestic fishing, fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas.

The Act requires that certain standards are met in regulated fisheries. Among the factors, the optimum yield of the fisheries is to be specified. This entails the development of appropriate regimes to ensure sound management of involved stocks while taking into account relevant biological, social, and economic factors. Domestic fishermen are given a preferred status by the Act. However, for those fisheries in which the optimum yield is greater than the domestic harvest, foreign nations are permitted to fish, provided certain conditions are met. For each fishery, the total allowable level of foreign fishing (TALFF) is determined. The TALFF is allocated among foreign nations by the Secretary of State. Governing International Fishery Agreements are executed between the United States and nations desiring to fish. Allocations are based on standards such as historic fishing rights and reciprocal fishing privileges. Also, vessels of foreign nations are to apply for and receive permits to fish in the FCZ.

Classes of domestic fishermen may be allocated shares of the harvest in fisheries regulated under FMPs. Such allocations are not to be discriminatory and must relate to the conservation and management of the fishery. There can be allocations between the commercial and recreational sectors of the fishery.

In the allocation of fish stocks, fish caught as a result of directed effort (target catch), and fish caught incidentally (incidental catch) are taken into account. Various management tools are used to regulate fisheries. These include limitations based on certain types of gear (e.g., bottom trawls, longlines), seasons, and the necessity of opening or closing areas to fishing based upon gear conflicts, conditions of the stocks, or other factors.

The initiation of FMPs is the responsibility of the eight Councils. Guidelines for the development of the FMPs are published in the Federal Register. In the development of such plans (and regulations), the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs, in conjunction with the DOC practice of publishing a 12 and not a six-month agenda, makes it difficult for the NMFS to determined the significance of some regulatory actions under consideration, at the time the semiannual regulatory agenda is published. Frequently the NMFS does not have specific plan objectives or alternatives for management since the Councils have neither approved nor submitted plans to the Secretary of Commerce for review, adoption and implementation.

Public Participation Summary

Legal Authority. The Department's General Counsel decided that where no statutes forbid establishment of a public participation funding program, Department funds can be used when the participation is considered necessary and lack of funding would preclude participation.

Supervision. The Consumer Affairs Office, in conjunction with the Office of Regulatory Policy, coordinates consumer particiption responsibilities throughout the Department. The Consumer Affairs Office and consumer contact persons in the operating units are responsible for assuring that timely and meaningful consumer participation occurs throughout the development and review of the Department's rules, policies and programs.

Participation Mechanisms and Special Features:

–Notices of proposed and final rules, programs, and policies will appear in the Federal Register.

–Quarterly notices of forthcoming rulemaking activities will be disseminated to consumer representatives and consumer media by the Consumer Affairs Office, and to other constituents by the Regional Representatives of the Secretary of Commerce.

–Funds will be made available whenever possible to enable consumer representatives to give in-depth advice and assistance on major policy or program initiatives. (Recent examples include the Department's development of recommendations on the problem of product liability, where a series of Consumer Forums was funded; and a pilot project on voluntary consumer product information labeling, for which a national consumer organization was a consultant to the Department.)

–Informal meetings and briefings will be arranged between Commerce officials and consumer leaders to discuss emerging or ongoing problems and issues, as well as policy and program developments.

Special Unit Programs for Public Participation:

–NBS. The NBS Center for Consumer Product Technology (Center), in conjunction with Underwriters Laboratories, the American Society for Testing and Materials, the National Fire Protection Association, and the American National Standards Institute, maintains a Consumer Sounding Board network to ensure that consumer input on activity is obtained. The Consumer Sounding Boards are composed of a demographic cross-section of consumers convened to provide direct consumer involvement in standards-making programs. The Center's programs are reviewed annually by a panel appointed by the National Academy of Sciences. This panel is composed of individuals from industry, academic institutions, government, and consumer interest groups. The Center has contracted with consumer interest groups to review program plans regarding major activities, such as the Department of Energy "Energy Appliance Program" and the DOC "Consumer Product Information Labeling Program". The Center also works with the National Conference on Weights and Measures which is composed of state and local government representatives who have responsibility for consumer issues. The Center will continue to seek consumer involvement.

–NOAA/NMFS: Through the availability of the Saltonstall-Kennedy Funds, NMFS conducts a grants program

under its Fisheries Financial Assistance Program to further the utilization and development of the fisheries of the United States. Proposals regarding seafood are encouraged in areas such as consumer attitudes, consumption patterns, and consumer education.

The Marine Fishery Advisory Committee (MAFAC), composed of approximately 25 representatives from industry, academic institutions and consumer groups, advises the NMFS on fishery activities. The MAFAC Subcommittee on Consumer Affairs covers consumer-related fishery activities.

Under the authority of the Fishery Management Conservation Act of 1976, eight Fishery Management Councils were established. The membership of the Councils is required by the Act to have fisheries expertise. The majority of the members are appointed by the Governors of the Coastal States. These appointments include consumer members. The NMFS consumer affairs personnel are actively pursuing strengthened consumer representation on these Councils. In addition, the NMFS is planning regional workshops to encourage and expand consumer participation.

–NTIA: NTIA is in the process of establishing an advisory committee which will offer advice on grant applications under the Public Telecommunications Facilities Programs and on the development of public telecommunications policy. The proposed advisory committee will have 20 members. One seat is reserved for a representative of a public interest or consumer organization.

Special Unit Programs For Funding Assistance:

The Department is giving special attention to developing new procedures and funding sources for consumer participation in its regulatory proceedings.

–NOAA. NOAA issued regulations in 1978 for funding public participation in its rulemaking proceedings (43 FR 17806, April 26, 1978).

–NTIA. NTIA is establishing funding procedures for public participation. The procedures relate primarily to the Public Telecommunications Facilities Programs which awards matching grants yearly for the development and expansion of public telecommunications services. The agency's final rules will be published in the **Federal Register.**

–Other operating units such as the International Trade Administration and the Minority Business Development Agency are also exploring funding procedures.

Technical Assistance:

The operating units, with advice from the Consumer Affairs Office, will determine staff responsibilities, assistance procedures and types of technical assistance for consumers. For example, NTIA's Public Telecommunications Facilities Program provides technical assistance upon request to potential applicants and to other groups interested in public telecommunications. Also, NTIA prepares materials explaining the process of obtaining matching grants for telecommunications facilities. This information is distributed to individuals, public interest groups, the trade press, publishers, journals, and other media.

The NMFS plans to hold individual consultations and workshops for consumer-interest groups to provide technical assistance in preparing proposals for cost-sharing funding under the Fisheries Financial Assistance Program.

Public Participation Documents. During FY 81, the Office of Regulatory Policy and Consumer Affairs Office will develop general guidelines for consumer participation to be used throughout the Department.

Contact Person: Meredith Fernstrom, Director of Consumer Affairs, Department of Commerce, Room 5889, Washington, D.C. 20230, Tel. (202) 377–5001.

Luther H. Hodges, Jr.,

Acting Secretary of Commerce.

BILLING CODE 3510-BT-M

Schedule A - DOC SEMIANNUAL AGENDA OF PENDING REGULATIONS
MAY 15, 1980

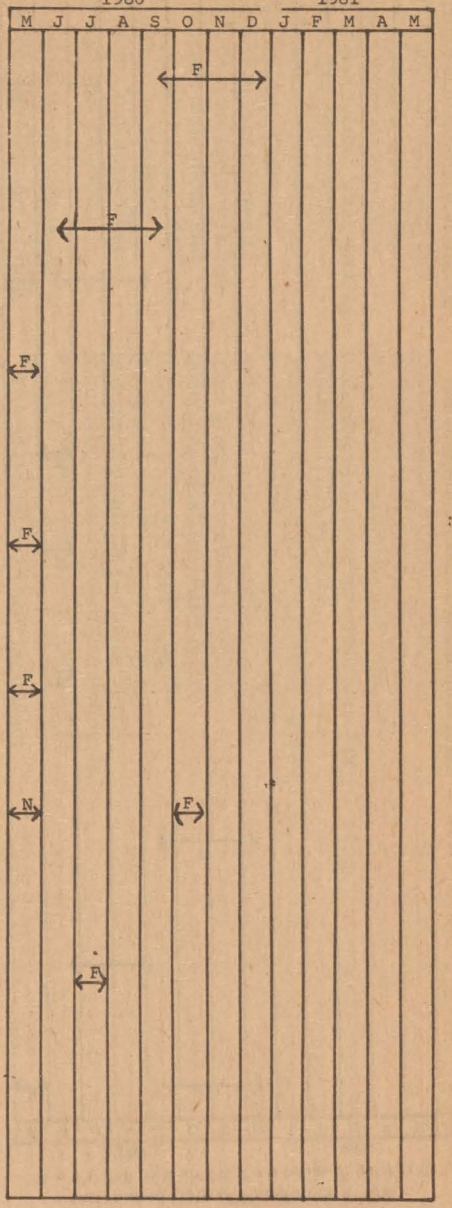
Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
ADMIN	Age Discrimination Act of 1975: Promulgation of Regulations Required under the Act	Alice K. Helm, Legal Advisor for Civil Rights (202) 377-4993		X			X	
ADMIN	Section 504 of Rehabilitation Act of 1973: Promulgation of Regulations Required under the Act	Alice K. Helm, Legal Advisor for Civil Rights (202) 377-4993		X			X	
ADMIN	Nondiscrimination in Federally-Assisted Programs of the Department of Commerce - Implementation of Title VI of the Civil Rights Act of 1964	Alice K. Helm, Legal Advisor for Civil Rights (202) 377-4993		X			X	
EDA	Nonrelocation (13 CFR 309.3)	James F. Marten Asst. Chf. Counsel (202) 377-5441		X			X	
EDA	Industrial Parks and Sites (13 CFR 305.43)	James F. Marten Asst. Chf. Counsel (202) 377-5441		X			X	
EDA	Requirements Regarding the Organizational Structure of Economic Development Districts (13 CFR 303.2, 303.4, 303.4(a), 303.7, 304.3, 307.25, and 311.4)	Victor A. Hausner Dep. Asst. Sec. for Policy and Planning (202) 377-3121	X				X	
EDA	Miscellaneous Changes Regarding Energy Conservation in EDA Financial Assistance Programs (13 CFR 304.4, 305.59, 306.12, 307.3, 307.22, 307.28, 307.52, 307.55-57, 308.6, and 315.54-55)	Alan S. Gregerman Policy Analyst, Policy Development Div. (202) 377-5103	X				X	
EDA	Vocational or Skill Training Centers (Public Works and Development Facilities Program) (13 CFR 305.45)	Charles W. Coss, Dir., Ofc. of Public Investments (202) 377-5265		X			X	

Anticipated Date of Regulatory Action
A = ANPRM N = NPRM, I = Interim, F = Final)*

* A = Advanced Notice of Proposed Rulemaking; N = Notice of Proposed Rulemaking; I = Interim Rule; F = Final Rule.

Department / Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
ITA	Energy Regulation 1: Allocation Regulations (32A CFR Part 671)	Iain S. Baird Dir., Priorities & Allocations Div. (202) 377-2233		X			X	
ITA	Defense Priorities System ORDER 3: Titanium (32A CFR Part 663)	Iain S. Baird Dir., Priorities & Allocations Div. (202) 377-2233		X			X	
MARAD	Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Service; Essential Service Requirement (46 CFR 252.21)	Kenneth Willis Examiner, Ofc. of Subsidy Contracts (202) 377-4660	X			X		
MARAD	Conservative Dividend Policy (46 CFR Part 283)	Murry Bloom, Advisor Maritime Subsidy Board (202) 377-2056	X				X	
MARAD	Construction-Differential Subsidy (CDS) Contracts (46 CFR Part 251)	Melvin S. Eck Attorney Advisor, Ofc. of the General Counsel (202) 377-2771	X				X	
MARAD	Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy (46 CFR Part 272)	John J. Davis Chf., Div. of Ship Management (202) 377-3640	X				X	
MARAD	Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels (46 CFR Part 254)	Frederick R. Larson Dir., Ofc. of Ship Operating Costs (202) 377-5532	X				X	

Anticipated Date of Regulatory Action
(A = ANPRM, N = NPRM, I = Interim, F = Final)*



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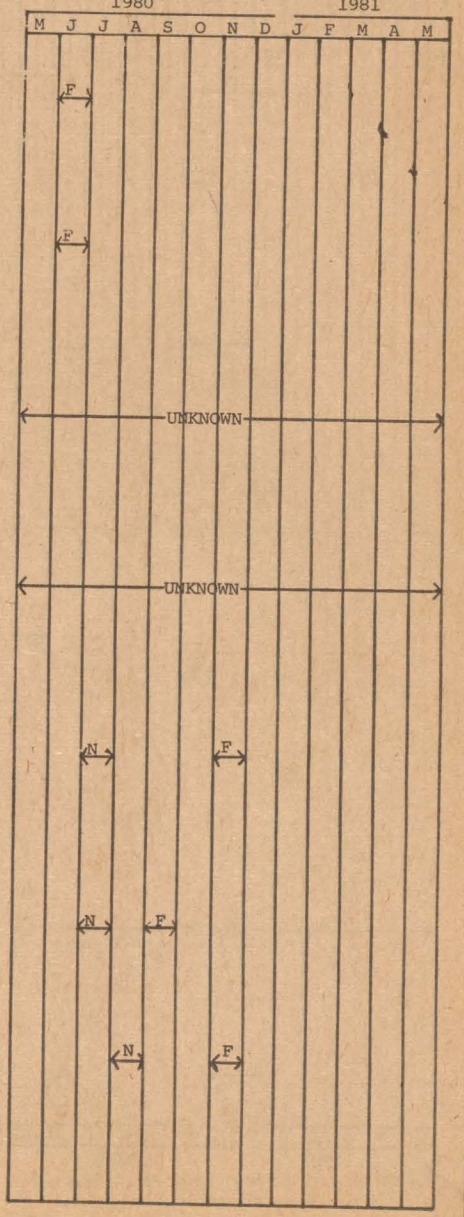
Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
MARAD	Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedure (46 CFR Part 276)	J. B. Young, Dir., Ofc. of Trade Studies and Statistics (202) 377-4758	X				X	
MARAD	Documentation Transfer or Charter of Vessels (46 CFR Part 221)	Virginia O'Brien Foreign Transfer Officer, Div. of Ship Mgmt. (202) 377-3213	X				X	
MARAD	Construction-Differential Subsidy (CDS) - Requirements for Aid (46 CFR Part 251)	James E. Saari Attorney Advisor, Ofc. of General Counsel (202) 377-2771	X				X	
MARAD	Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates (46 CFR 381.8, 381.9 and new Part 382)	Frederick R. Larson Dir., Ofc. of Ship Operating Costs (202) 377-5532	X					X
MARAD	Merchant Marine Training (46 CFR Part 310)	Kathleen A. Shetler Manpower Mgmt. Officer, Ofc. of Maritime Manpower (202) 377-5653	X				X	
MBDA	MBDA Financial Assistance Awards	John Smith Dep. Chf. Counsel (202) 377-4683	X				X	
NOAA/NMFS	Bering Sea - Chukchi Sea Herring Fishery Management Plan (FMP)	Harry L. Rietze, Regional Dir., Alaska Region (907) 586-7221	X			X		

Anticipated Date of Regulatory Action
A = ANPRM, N = NPRM, I = Interim, F = Final)*



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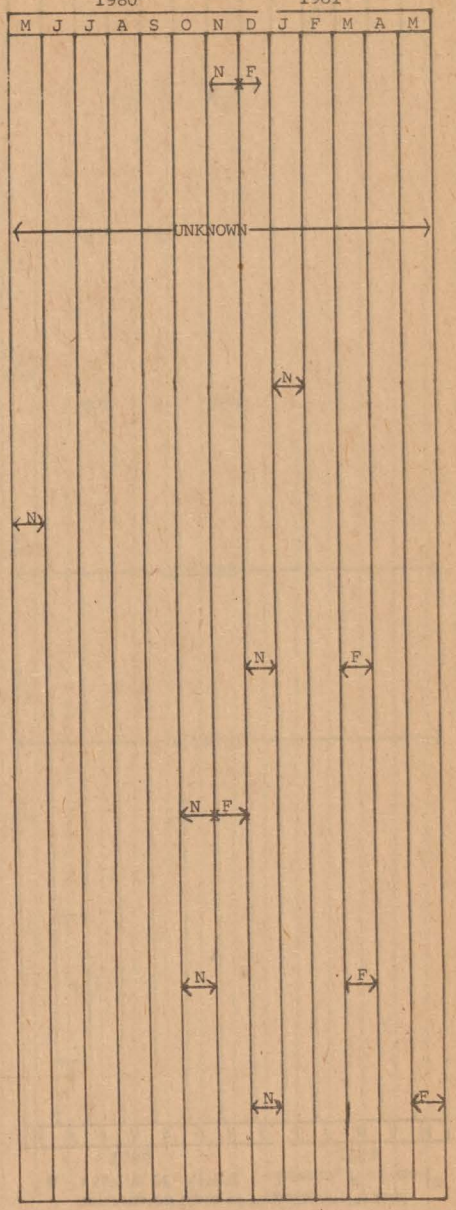
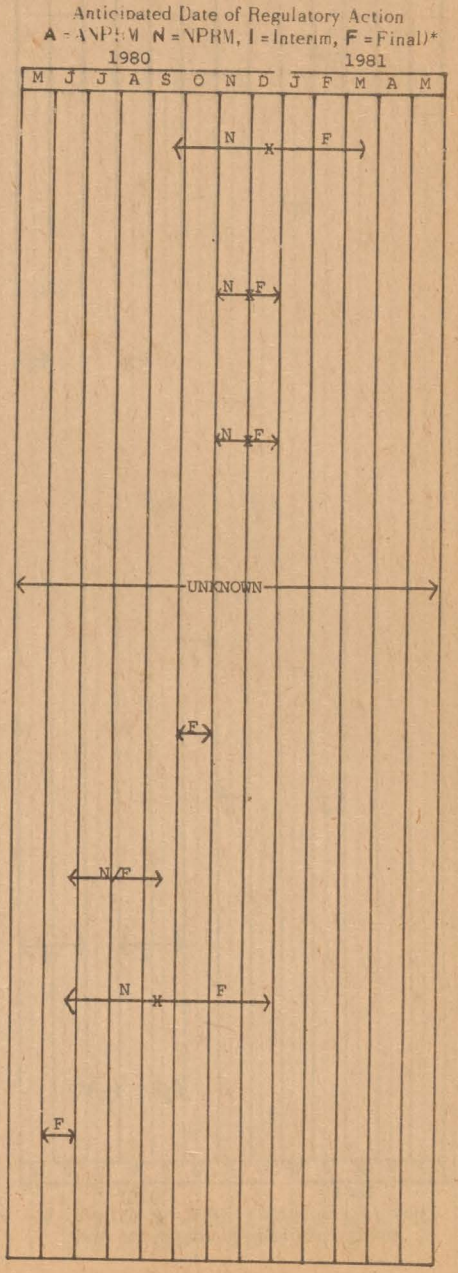
Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
NOAA/NMFS	Hake Preliminary Fishery Management Plan (PMP)	Robert W. Hanks, Dep. Regional Dir., Northeast Region (617) 281-3600	X				X	
NOAA/NMFS	Listing of the Guadalupe Fur Seal as an Endangered Species (50 CFR Parts 17 and 222)	William Aron, Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461		X			X	
NOAA/NMFS	Determination of Critical Habitat for Endangered and Threatened Species of Sea Turtles in Mosquito Lagoon, Florida (50 CFR Part 226)	Richard B. Roe, Dep. Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461		X			X	
NOAA/NMFS	Section 7 of Endangered Species Act: Interagency Cooperation (50 CFR Part 402)	William Aron, Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461	X				X	
NOAA/NMFS	Whaling (50 CFR Part 230)	Richard B. Roe, Dep. Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461	X				X	
NOAA/NMFS	Scientific Research and Public Display Permit Regulations (Proposed 50 CFR Part 223)	R. B. Brumsted, Permit Program Mgr., Ofc. of Marine Mammals & Endangered Species (202) 634-7529	X				X	
NOAA/NMFS	Alaska King Crab Fishery Management Plan (FMP)	Harry L. Rietze, Regional Dir., Alaska Region (907) 586-7221	X			X		
NOAA/NMFS	Pacific Billfish and Oceanic Sharks Fishery Management Plan (FMP)	Floyd S. Anders, Jr. Acting Regional Dir., Southwest Region (213) 548-2575	X			X		

Anticipated Date of Regulatory Action
A = ANPRM, N = NPRM, I = Interim, F = Final)*



* A = Advanced Notice of Proposed Rulemaking; N = Notice of Proposed Rulemaking; I = Interim Rule; F = Final Rule.

Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
NOAA/NMFS	Termination of Utility Services, Pribilof Islands (50 CFR Part 215)	Walter Kirkness, Dir., Pribilof Islands Prog., Northwest Region (206) 442-7777	X				X	
NOAA/NMFS	Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan (PMP)	Thomas E. Kruse, Acting Regional Dir., Northwest Region (206) 442-7575	X				X	
NOAA/NMFS	Trawl and Herring Gillnet Fishing in the Eastern Bering Sea Preliminary Fishery Management Plan (PMP)	Phillip Chitwood, Chf., Fisheries Mgmt. Oprs. Br., Alaska Region (907) 586-7229	X				X	
NOAA/NMFS	Amendments to U.S. Yellowfin Tuna Regulations for the Atlantic and Pacific Oceans	Floyd S. Anders, Jr., Acting Regional Dir., Southwest Region (213) 548-2575		X				X
NOAA/NMFS	Whaling (50 CFR Part 351) (Amendments to the Schedule of International Convention for the Regulation of Whaling)	William Aron, Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461		X				X
NOAA/NMFS	Technical Amendments to Fishing Vessel Obligation Guarantee Program Procedures	Michael L. Grable, Chf., Financial Services Div. (202) 634-7496	X				X	
NOAA/NMFS	Amendment to 50 CFR Part 251 (Financial Aid Program Procedures)	Michael L. Grable, Chf., Financial Services Div. (202) 634-7496	X				X	
NOAA/NMFS	Atlantic Mackerel Fishery Management Plan (FMP)	Allen E. Peterson, Jr. Regional Dir., Northeast Region (617) 281-3600	X				X	



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Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
NOAA/NMFS	High Seas Salmon Fishery Management Plan (FMP), (Amendment No. 1)	Phillip Chitwood, Chf. Fisheries Mgmt. Oprs. Br., Alaska Region (907) 586-7229		X				X
NOAA/NMFS	Fishery Management Plan (FMP) for Shrimp Fishery of the Gulf of Mexico	William H. Stevenson Regional Dir., Southeast Region (813) 893-3141	X			X		
NOAA/NMFS	Bering Sea and Aleutian Islands Groundfish Fishery Management Plan (FMP)	Phillip Chitwood, Chf., Fisheries Mgmt. Oprs. Br., Alaska Region (907) 586-7229	X			X		
NOAA/NMFS	Amendments to Regulations which Control the Incidental Take of Porpoise in the Yellowfin Tuna Purse Seine Fishery	William Aron, Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461	X			X		
NOAA/NMFS	Washington, Oregon, and California Groundfish Fishery Management Plan (FMP)	Thomas E. Kruse, Acting Regional Dir., Northwest Region (206) 442-7575	X			X		
NOAA/NMFS	Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) (Amendment No. 5)	Phillip Chitwood, Chf., Fisheries Mgmt Oprs. Br., Alaska Region (907) 586-7229	X			X		
NOAA/NMFS	Groundfish Fishery Management Plan (FMP) (Southeast Region)	William H. Stevenson Regional Dir., Southeast Region (813) 893-3141	X			X		
NOAA/NMFS	Caribbean Shallow Water Reef Fishery Management Plan (FMP)	William H. Stevenson Regional Dir., South east Region (813) 893-3141	X			X		

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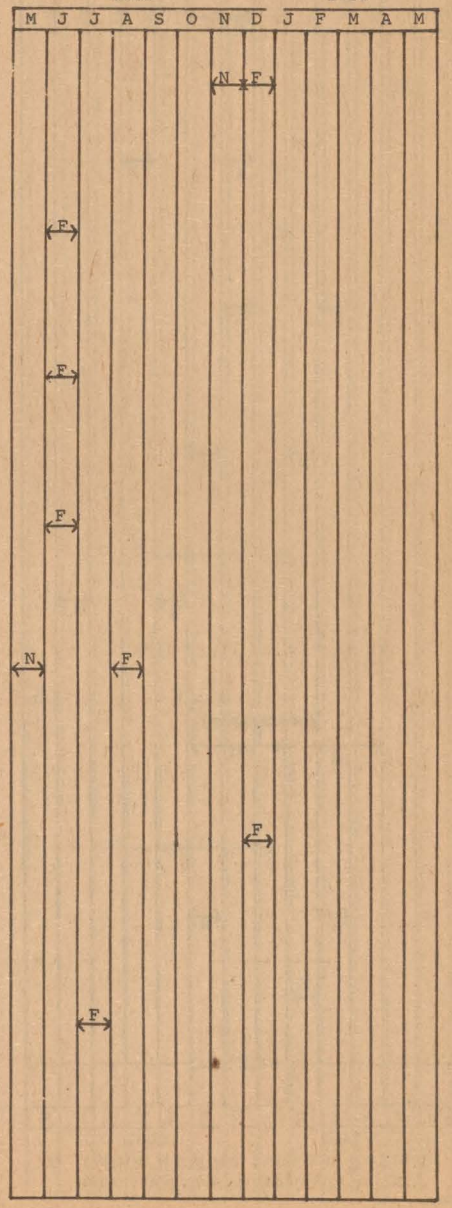
Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
NOAA/NMFS	Foreign Trawl Fisheries of Northwestern Atlantic Preliminary Fishery Management Plan (PMP)	Robert W. Hanks, Dep. Regional Dir., Northeast Region (617) 281-3600		X			X	
NOAA/NMFS	Atlantic Mackerel Fishery Management Plan (FMP) (Amendment No. 1)	Allen E. Peterson, Jr. Regional Dir., Northeast Region (617) 281-3600		X			X	
NOAA/NMFS	Atlantic Squid Fishery Management Plan (FMP) (Amendment No. 1)	Robert W. Hanks, Dep. Regional Dir., Northeast Region (617) 281-3600		X			X	
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP) (Amendment No. 1)	Allen E. Peterson, Jr. Regional Dir., Northeast Region (617) 281-3600		X			X	
NOAA/NMFS	Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (FMP) (50 CFR Part 661)	Thomas E. Kruse, Acting Regional Dir., Northwest Region (206) 442-7575	X			X		
NOAA/NMFS	Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles (50 CFR Part 226)	Richard B. Roe, Dep. Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461	X					X
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP)	Allen E. Peterson, Jr. Regional Dir., Northeast Region (617) 281-3600	X			X		

Anticipated Date of Regulatory Action
(A = ANPRM, N = NPRM, I = Interim, F = Final)*



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Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
NOAA/NMFS	Designation of Critical Habitat for the Hawaiian Monk Seal (50 CFR Part 222)	Floyd S. Anders, Jr. Acting Regional Dir., Southwest Region (213) 548-2575	X				X	
NOAA/NMFS	Regulation Declaring Restricted Fishing Areas (Port Canaveral and Other Areas) (50 CFR Parts 222 and 227)	Richard B. Roe, Dep. Dir., Ofc. of Marine Mammals & Endangered Species (202) 634-7461	X					X
NOAA/NMFS	Fish and Wildlife Coordination Act, Uniform Procedures for Compliance	James W. Rote, Dir., Ofc. of Habitat Protection (202) 634-7490	X				X	
NOAA/NMFS	Precious Coral Fishery Management Plan (FMP) (Western Pacific)	Floyd S. Anders, Jr. Acting Regional Dir., Southwest Region (213) 548-2575	X			X		
NOAA/NMFS	Reef Fish Resources of the Gulf of Mexico Fishery Management Plan (FMP)	William H. Stevenson Regional Dir., Southeast Region (813) 893-3141	X			X		
NOAA/NMFS	Fishery Management Plan (FMP) for the Spiny Lobster Fishery of Puerto Rico and the Virgin Islands	William H. Stevenson Regional Dir., Southeast Region (813) 893-3141	X			X		
NOAA/NMFS	Coastal Migratory Pelagic Fishery Management Plan (FMP)	William H. Stevenson Regional Dir., Southeast Region (813) 893-3141	X			X		
NOAA/NMFS	Bering Sea Snail Preliminary Fishery Management Plan (PMP) Regulations	Phillip Chitwood, Chf. Fisheries Mgmt. Opers. Br., Alaska Region (907) 586-7229		X			X	

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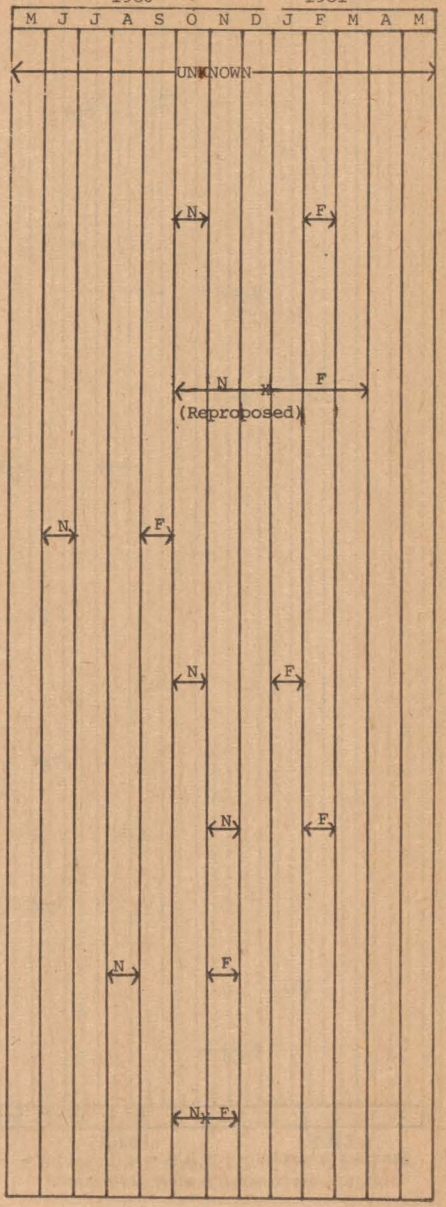

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Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
NOAA/NMFS	Fishery Management Plan (FMP) for Sharks and Other Elasmobranchs	William H. Stevenson Regional Dir., Southeast Region (813) 893-3141	X			X		
NOAA/NMFS	Spiny Lobster Fishery Management Plan (FMP) (Western Pacific)	Floyd S. Anders, Jr. Acting Regional Dir., Southwest Region (213) 548-2575	X			X		
NOAA/OCZM	Estuarine Sanctuary Regulations	James W. MacFarland Estuarine Sanctuary Program Mgr., Sanctuary Programs Ofc. (202) 634-4236		X			X	
NOAA/OCZM	Final Regulations for Key Largo Coral Reef Marine Sanctuary	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
NOAA/OCZM	Regulations for Proposed Looe Key Marine Sanctuary	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
NOAA/OCZM	Regulations for Proposed Monterey Bay Marine Sanctuary	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
NOAA/OCZM	Federal Consistency with Approved Coastal Management Programs	Jane P. Rogers Chief of Policy (202) 634-4245	X				X	

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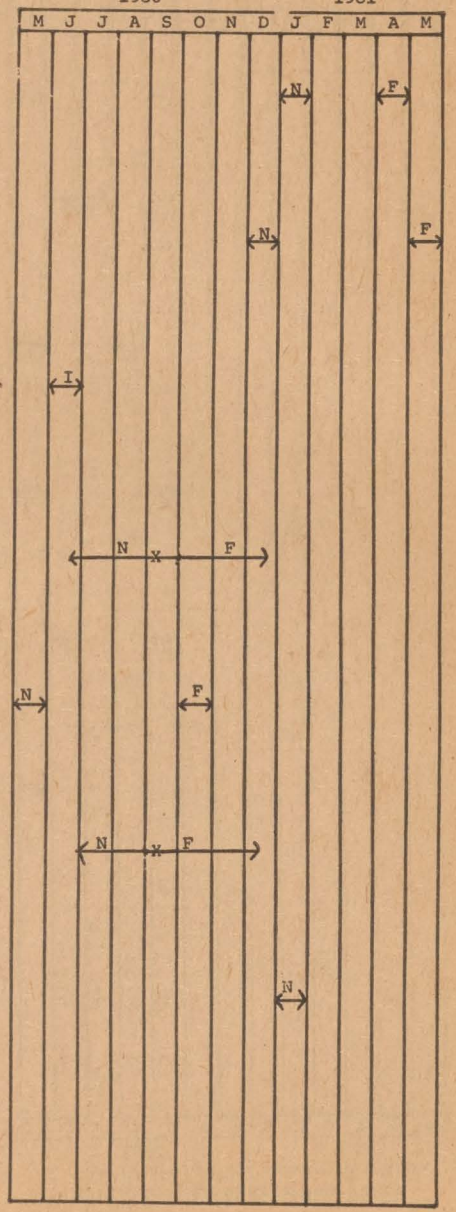

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Department / Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
NOAA/OCZM	Regulations for Proposed Point Reyes/Farallon Islands Marine Sanctuary	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
NOAA/OCZM	Regulations for Proposed Flower Garden Banks Marine Sanctuary	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
NOAA/OCZM	Regulations for Proposed Channel Islands Marine Sanctuary	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
NOAA/OCZM	Regulations for Proposed St. Thomas Marine Sanctuary, St. Thomas, Virgin Islands	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
NOAA/OCZM	Regulations for Proposed Gray's Reef Marine Sanctuary	Nancy Foster, Dep. Dir., Sanctuary Programs Ofc. (202) 634-4236	X				X	
OCE/CENSUS	Foreign Trade Statistics (15 CFR Part 30)	Emerson Jones, Asst. Div. Chf. for Regs. and Program Coordination (301) 763-5526		X			X	
ORD	Amendments to Rules Covering the Regional Action Planning Commissions (13 CFR, Chapter V)	Wayne Weaver Attorney Advisor (202) 377-3139		X			X	

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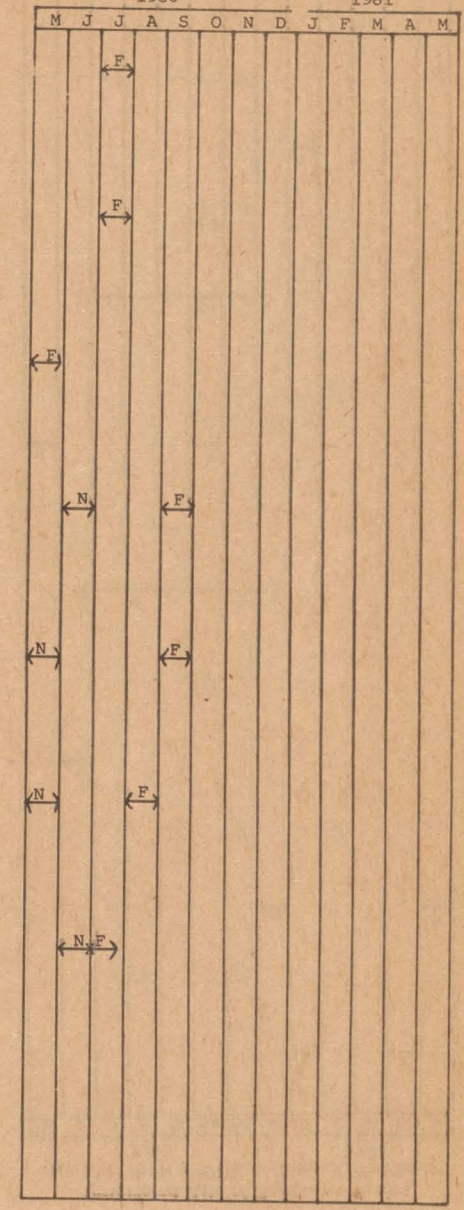

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Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown	Anticipated Date of Regulatory Action (A = ANPRM, N = NPRM, I = Interim, F = Final)*
PTI/OPSP	Procedures for Listing and Delisting Voluntary Standards Bodies and their Standards-Developing Groups	Howard I. Forman, Dep. Asst. Sec. for Product Standards Policy (202) 377-3221	X				X		N, F
PTI/PTO	Ex Parte Prosecution of Trademark Applications; Inter Partes Proceedings before the Trademark Trial and Appeal Board; Petitions to the Commissioner and Post-Registration Requirements (37 CFR 2.20, 2.27, 2.63, 2.65, 2.81, 2.88, 2.94-2.135, 2.142, 2.146, 2.165, 2.173, 2.184, and 2.186)	David J. Kera, Member, Trademark Trial and Appeal Board (703) 557-3551	X				X		N, F
PTI/PTO	Secrecy of Certain Inventions and Licenses to File Applications in Foreign Countries (37 CFR Part 5)	C. D. Quardforth Dir., Special Laws Admin. Group (703) 557-3877	X				X		N, F
PTI/PTO	Requests for Identifiable Records (37 CFR 1.15)	John W. Dewhirst Assoc. Solicitor (703) 557-3542	X				X		N, F
PTI/PTO	Compulsory Counterclaims in Trademark Opposition and Cancellation Proceedings (37 CFR 2.106 and 2.114)	David J. Kera, Member, Trademark Trial and Appeal Board (703) 557-3551	X				X		F
PTI/PTO	Patent Application Oath or Declaration Requirements (37 CFR 1.65, 3.18 and 3.18a)	Louis O. Maassel, Editor, Manual of Patent Examining Procedure (703) 557-3070	X				X		N (Reproposed), F

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Department Unit	Title of Regulation Under Consideration	Contact Person	Is Regulation Significant? Yes	No	Unknown	Is Regulatory Analysis Required? Yes	No	Unknown
PTI/PTO	Professional Conduct of and Advertising by Persons Registered to Practice Before the PTO (37 CFR 1.344, 1.345, 2.13 and 2.14)	Harry I. Moatz Commissioner of Patents and Trademarks (703) 557-2238	X				X	
PTI/PTO	Prosecution of Patent Applications after Final Rejection	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X				X	
PTI/PTO	Deposit of Computer Program Listings (37 CFR 1.21, 1.77 and 1.96)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X				X	
PTI/PTO	Amending Patents and Patent Applications to Correct Inventorship (37 CFR 1.45 and 1.324)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X				X	
PTI/PTO	Interferences; Motions and Printed Briefs (37 CFR 1.225, 1.231, 1.253, 1.254, and 1.258)	Ian A. Calvert Chairman, Board of Patent Interferences (703) 557-3625	X				X	

Anticipated Date of Regulatory Action
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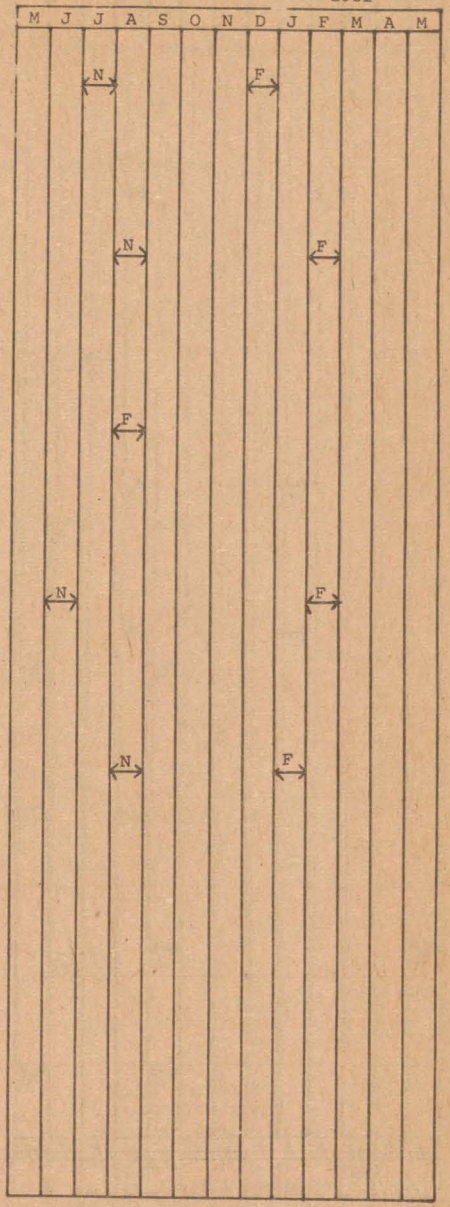

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Schedule B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENTAL UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON & TELEPHONE NO.
Procedural Regulation Setting Forth the Criteria for Applications for Federal Recognition of Intl. Expositions (15 CFR Part 1202)	Associate Dep. Sec., Ofc.	22 U.S.C. 2801	Under Review	Fall 1980	Richard Henry, Director Exposition Staff (202) 377-4987
Instruments and Apparatus for Educational and Scientific Institutions (15 CFR Part 301)	ITA	19 U.S.C. 1202	Under Review	September 1980	Richard Seppa, Director Statutory Import Programs Staff (202) 724-3526
Foreign Excess Property Regulations (15 CFR Part 302)	ITA	40 U.S.C. 512	Pending legislation before Congress would require revision of Part 302 within 90 days of enactment of the legislation		Richard Seppa, Director Statutory Import Programs Staff (202) 724-3526
* Antidumping Duties and Countervailing Duties (19 CFR Parts 353 and 355) 1/	ITA	P.L. 96-39 5 U.S.C. 301	Spring 1980	Summer 1980	Richard B. Self, Director Office of Policy (202) 377-1781
Defense Materials Sys. and Defense Priorities Sys. (32A CFR Parts 601-603,621,651,661 and 662)	ITA	50 U.S.C. App. 2061 et seq. Exec. Order 10480	Under Review	Fall 1980	Iain S. Baird, Director Priorities and Allocations Division (202) 377-2233
Defense Materials Sys. ORDER 1: Iron and Steel (32A CFR Part 631)	ITA	50 U.S.C. App. 2061 et seq. Exec. Order 10480	Under Review	Fall 1980	Iain S. Baird, Director Priorities and Allocations Division (202) 377-2233
Defense Materials Sys. ORDER 2: Nickel Alloys (32A CFR Part 632)	ITA	50 U.S.C. App. 2061 et seq. Exec. Order 10480	Under Review	Fall 1980	Iain S. Baird, Director Priorities and Allocations Division (202) 377-2233
Defense Materials Sys. ORDER 3: Aluminum (32A CFR Part 633)	ITA	50 U.S.C. App. 2061 et seq. Exec. Order 10480	Under Review	Fall 1980	Iain S. Baird, Director Priorities and Allocations Division (202) 377-2233
Defense Materials Sys. ORDER 4: Copper and Copper-Base Alloys (32A CFR Part 634)	ITA	50 U.S.C. App. 2061 et seq. Exec. Order 10480	Under Review	Fall 1980	Iain S. Baird, Director Priorities and Allocations Division (202) 377-2233
DPS Regulation 2: Operations of the Priorities and Allocations Sys. Between Canada and the U.S. (32A CFR Part 652)	ITA	50 U.S.C. App. 2061 et seq. Exec. Order 10480	Under Review	Fall 1980	Iain S. Baird, Director Priorities and Allocations Division (202) 377-2233
DPS Regulation 3: Compliance and Enforcement Procedures (32A CFR Part 653)	ITA	50 U.S.C. App. 2061 et seq. Exec. Order 10480	Under Review	Fall 1980	Iain S. Baird, Director Priorities and Allocations Division (202) 377-2233
Joint Export Associations (15 CFR Part 366)	ITA	15 U.S.C. 1512	Under Review	Spring 1980	Merritt Freeman, Deputy Dir. Ofc. of Export Marketing Assistance (202) 377-4566

* Regulation deemed significant by Department unit.

1/ Review will initially focus on the sections of the antidumping and countervailing duty regulations the finalization of which were deferred when the regulations became final on February 6 and January 22, 1980, respectively.

Schedule B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENTAL UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON & TELEPHONE NO.
China Trade Act Corporations (15 CFR Part 363)	ITA	15 U.S.C. 141-162	Not Determined	Not Determined	Harry R. Stringer, Jr. Registrar (202) 377-2210
* Export Administration Regulations (15 CFR Parts 368-399)	ITA	50 U.S.C. App. 2401 et seq.	Under Review**	May 1981	Kent Knowles, Director Office of Export Administration (202) 377-2118
General Regulations Governing Foreign-Trade Zones in the U.S., with Rules of Procedure (15 CFR Part 400)	ITA	19 U.S.C. 81(a)-81(u)	Under Review	October 1980	John J. DaPonte Executive Secretary (202) 377-2862
* Operating-Differential Subsidy (ODS) Rates for Liner Vessels - New Part (Procedures now published in manual will be revised and published in regulation form.)	MARAD	46 U.S.C. 1114(b)	Under Review	Fall 1980	Frederick R. Larson, Director Office of Ship Operating Costs (202) 377-5532
* Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Carrying Grain to the U.S.S.R. (46 CFR Part 294)	MARAD	46 U.S.C. 1114(b)	Summer 1980	Spring 1981	Frederick R. Larson, Director Office of Ship Operating Costs (202) 377-5532
* Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Service (46 CFR Part 252)	MARAD	46 U.S.C. 1114(b)	Under Review	Winter 1980	Fredrick R. Larson, Director Office of Ship Operating Costs (202) 377-5532
* Nation Shipping Authority (NSA), Shipping Operations (32A CFR Chapter 18, Subpart A)(Review of 26 Regulations in Parts 1801-1886)	MARAD	50 U.S.C. App. 1744	Spring 1980	Winter 1980	Arya H. Huizinga, Engineer Office of Ship Operating Costs (202) 377-5157
U.S. Standards for Grades of Frozen Raw Headless Shrimp (50 CFR Part 265, Subpart A)	NOAA/NMFS	7 U.S.C. 1621-1630	June 1980	March 1981	James R. Brooker, Act. Chief Standards Spec. and Labeling Branch (202) 634-7458
U.S. Standards for Grades of Fried Fish Sticks and Fried Fish Portions (50 CFR Part 264, Subpart G)	NOAA/NMFS	7 U.S.C. 1621-1630	May 1980	June 1981	James R. Brooker, Act. Chief Standards Spec. and Labeling Branch (202) 634-7458
Uniform Standards for Organization, Practices, and Procedures - Regional Fishery Management Councils (50 CFR Part 601, Subpart C)	NOAA/NMFS	P.L. 95-265 16 U.S.C. 1852, 1854 and 1855	Under Review 2/	Fall 1980	Winfred H. Meibohm, Executive Director, National Marine Fisheries Ser. (202) 634-7292
U.S. Standards for Grades of Fish Fillets (50 CFR Part 263)	NOAA/NMFS	7 U.S.C. 1621-1630	May 1980	June 1981	James R. Brooker, Act. Chief Standards Spec. and Labeling Branch (202) 634-7458

* Regulation deemed significant by department unit

** Regulatory analysis to be required

2/ An operations handbook will serve as the basis for developing new and/or revising current regulations. Work on the handbook started in August 1979, and is continuing.

Schedule C -- Regulations Deleted From Prior DOC Semiannual Agenda * 1/

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
ADMIN	Department of Commerce Grants: Disputes and Appeals Procedures (15 CFR Part 18)	UC	Regulation being held in abeyance. New procedures will be developed once governmentwide guidelines are developed under the auspices of the Office of Management and Budget.
EDA	Supplementary Grants, Public Works and Development Facilities Program (13 CFR 305.5(a), (b))	UC	Published in the Federal Register in final on November 30, 1979, at 44 FR 68818.
EDA	* Business Development Program (13 CFR Part 306)	UR	Postponed pending congressional action on amendments to the Public Works and Economic Development Act.
MARAD	* Charges for Processing Certain Applications (46 CFR 221.14)	UC	Published in the Federal Register in final on April 2, 1980 at 45 FR 21635.
MARAD	* Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services; Principal Foreign Flag Competition; Foreign Wage Cost (46 CFR 252.22, 252.31)	UC	Published in the Federal Register in final on February 6, 1980 at 45 FR 8023.
MARAD	* Rules of Practice and Procedure: Procedure for Hearing on Operating-Differential Subsidy Applications; Applications for Subsidies and Other Direct Financial Aid (46 CFR Parts 201, 208 (new) and 251)	UC	Published in the Federal Register in final on June 25, 1979 at 44 FR 37003.
MARAD	Inventories of Vessels Covered by Operating-Differential Subsidy Agreements (46 CFR Part 293)	UC	Published in the Federal Register in final on September 11, 1979 at 44 FR 52837.
NOAA/NMFS	* Atlantic Billfishes and Sharks Preliminary Fishery Management Plan (PMP): Amendment to Extend the Regulation for the Period January 1, 1980 to December 31, 1980	UC	Published in the Federal Register in final on September 18, 1979 at 44 FR 54202.
NOAA/NMFS	Atlantic Mackerel Preliminary Fishery Management Plan (PMP)	UC	The PMP has been superseded by the Atlantic Mackerel Fishery Management Plan (FMP) (see Schedule A).
NOAA/NMFS	* Pacific Billfish and Oceanic Sharks Preliminary Fishery Management Plan (PMP)	UC	** Published in the Federal Register in final on March 6, 1980 at 45 FR 14581.
NOAA/NMFS	Endangered Species Exemption (50 CFR Part 451)	UC	Published in the Federal Register in final on February 8, 1980 at 45 FR 8624.
NOAA/NMFS	Fishing Vessel and Gear Damage Compensation Fund	UC	Published in the Federal Register in final on October 25, 1979 at 44 FR 61546.
NOAA/NMFS	Fishermen's Contingency Fund	UC	Published in the Federal Register in final on January 24, 1980 at 45 FR 6062.
NOAA/NMFS	* Stone Crab Fishery Management Plan (FMP)	UC	** Published in the Federal Register in final on September 14, 1979 at 44 FR 53519.

1/ Prior agenda refers to second agenda which was published on September 18, 1979 (44 FR 54166).

2/ Listed in prior agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

* Regulation was deemed significant by Department Unit.

** Regulatory Analysis performed by Department Unit.

Schedule C -- Regulations Deleted From Prior DOC
Semiannual Agenda

Department Unit	Title of Regulation	Prior Agenda Listing	Reason for Deletion from Agenda
NOAA/NMFS	* Atlantic Surf Clam and Ocean Quahog Fisheries (50 CFR Part 652) (Amendment)	UC	Published in the Federal Register in final on January 3, 1980 at 45 FR 786.
NOAA/NMFS	Fishery Management Plan (FMP) for Pollock Fishery in the Atlantic Ocean	UC	Efforts to develop regulations suspended. Anticipated dates when action will be resumed are too tentative and/or too far into the future to make inclusion in this agenda meaningful.
NOAA/NMFS	* Fishery Management Plan (FMP) for Atlantic Herring Fishery (50 CFR Part 653) (Amendment)	UC	Published in the Federal Register in final on October 2, 1979 at 44 FR 56700.
NOAA/NMFS	* Jack Mackerel Fishery Management Plan (FMP)	UC	Regional Fishery Management Council has determined that FMP is not needed at this time.
NOAA/NMFS	Proposed Rule for Revising the Lists of Endangered and Threatened Wildlife and Plants and Designating Species' Critical Habitat (50 CFR Parts 17 and 424)	UC	Published in the Federal Register in final on February 27, 1980 at 45 FR 13010.
NOAA/NMFS	Bering Sea Sablefish Preliminary Fishery Management Plan (PMP)	UC	Being replaced by Bering Sea and Aleutian Islands Groundfish Fishery Management Plan (FMP) and regulations (see Schedule A).
NOAA/NMFS	Foreign Fee Schedule Regulations (Foreign Fishing Vessels; Fee Schedule for Calendar Year 1980) (50 CFR Part 611)	UC	Published in the Federal Register in final on December 26, 1979 at 44 FR 248.
NOAA/NMFS	Foreign Fishing Regulations (control of foreign fishing; allocation of fishery resource in Fishery Conservation Zone to foreign nations)	UC	Regulations govern such matters as permits for foreign vessels, vessel reports, vessel/gear identification, facilitation of enforcement, etc. . Regulations are now maintained (and periodically updated, as necessary) in a Foreign Fishing Manual. Users of the manual are provided manual inserts as changes occur. The current system was determined to be more flexible and efficient than formal codification of the existing regulations.
NOAA/NMFS	* Guidelines for Development of Fishery Management Plans Regulations (50 CFR Part 602) (governing confidentiality of statistics related to development of fishery management plans)	UC	Interim final regulations published in the Federal Register on December 7, 1979 at 44 FR 237.
NOAA/NMFS	* Fishery Management Plan (FMP) for the Atlantic Billfishes: White Marlin, Blue Marlin, Sailfish, and Spearfish	UC	Efforts to develop regulations suspended. Anticipated dates when action will be resumed are too tentative and/or too far into the future to make inclusion in this agenda meaningful.
NOAA/NMFS	* Fishery Management Plan (FMP) for Coral and Coral Resources	UC	Efforts to develop regulations suspended. Anticipated dates when action will be resumed are too tentative and/or too far into the future to make inclusion in this agenda meaningful.
NOAA/NMFS	* Fishery Management Plan (FMP) for the Spiny Lobster Resource (South Atlantic and Gulf of Mexico)	UC	Efforts to develop regulations suspended. Anticipated dates when action will be resumed are too tentative and/or too far into the future to make inclusion in this agenda meaningful.

Schedule C -- Regulations Deleted From Prior DOC Semiannual Agenda

Department Unit	Title of Regulation	Prior Agenda Listing	Reason for Deletion from Agenda
NOAA/NMFS	* Gulf of Alaska Groundfish Fishery Management Plan (FMP) Regulations (Amendment to 1978-1979 regulations; foreign and domestic trawling and longlining for groundfish in the Fishery Conservation Zone of the Gulf of Alaska)	UC	Published in Federal Register in final on September 18, 1979 at 44 FR 54064.
NOAA/NMFS	* Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) (Amendment)	UC	Published in the Federal Register in final on October 29, 1979 at 44 FR 61982.
NOAA/NMFS	Squid Fishery of the Northwest Atlantic Preliminary Fishery Management Plan (PMP)	UC	Entry should not have been included in the second semiannual agenda. Final regulations were published in the Federal Register on February 4, 1977 at 42 FR 6876.
NOAA/NMFS	* Gulf of Alaska Groundfish Regulations (Amendment). (Extended fishery management plan for one-year period beginning November 1, 1979)	UC	Published in the Federal Register in final on November 7, 1979 at 44 FR 64410.
NOAA/NMFS	* High Seas Salmon Fishery Management Plan (FMP) Regulations	UC	Published in the Federal Register in final on September 6, 1979 at 44 FR 51988.
NOAA/NMFS	Fishery Management Plan (FMP) for Atlantic Groundfish (Cod, Haddock, Yellowtail Flounder) (50 CFR Part 651)	UC	Entry should not have been included in second semi-annual agenda. Final regulations were published in the Federal Register on January 11, 1979 at 44 FR 2397.
NOAA/NMFS	Administration of Pribilof Islands (Marine Mammals) (50 CFR Part 215, Subpart C)	UR	Regulations were being reviewed to address the management of bird cliffs on the Aleutian Islands (St. George and St. Paul). Land has now been transferred, in its entirety, to the Tanadgusix Corp. of St. Paul Island and the Tanaq Corp. of St. George Island.
NOAA/OCZM	Regulations for Proposed Georges Bank Marine Sanctuary (Tentative)	UC	The site was withdrawn as a candidate for marine sanctuary designation. This decision was based on the fact that the ability of existing regulatory mechanisms to protect the values of the area most immediately threatened had significantly increased. The withdrawal announcement was published in the Federal Register on October 31, 1979 at 44 FR 62553.
NOAA/OCZM	Shorefront Access/Island Preservation Regulations	UC	Formulation of regulations has been postponed pending the outcome of legislation to amend the Coastal Zone Management Act.
NOAA/OCZM	Estuarine Sanctuary Regulations	UR	Review completed (see Schedule A).
OCE/BEA	Foreign Direct Investment in the United States Survey Regulations (15 CFR Part 804)	To be deleted	Federal Register notice to revoke regulation not yet published.

Schedule C -- Regulations Deleted From Prior DOC
Semiannual Agenda

Department Unit	Title of Regulation	Prior Agenda Listing	Reason for Deletion from Agenda
OCE/BEA	Preliminary Survey of International Leasing Transactions in 1975 (15 CFR Part 805)	To be deleted	Federal Register notice to revoke regulation not yet published.
OCE/CENSUS	Cutoff Dates for Recognition of Boundary Changes for the 1980 Census (15 CFR Part 70)	UR	Review completed. No changes contemplated.
OCE/CENSUS	Furnishing Personal Census Data from Census of Population Schedules (15 CFR Part 80)	UR	Review completed. No changes comtemplated.
OCE/CENSUS	Public Information (15 CFR Part 60)	UR	Review completed. No changes contemplated.
OCE/CENSUS	Special Services and Studies by the Bureau of the Census (15 CFR Part 50)	UR	Review completed. No changes contemplated.
OCE/OSFPS	* Standard Metropolitan Statistical Classification -- Revised Criteria	UC	Published in the Federal Register in final on January 3, 1980 at 45 FR 956.
ORD	* Regional Development Commission (13 CFR Chapter V)	UC	The regulations previously under consideration were in anticipation of the passage of new authorizing legislation. This legislation was not passed by the Congress. Consequently, ORD has terminated the development of these regulations.
PTI/PTO	* Interferences, Motions Before the Primary Examiner (37 CFR 1.231)	UC	Combined with related regulations under a new title: Interferences; Motions and Printed Briefs (see Schedule A).
PTI/PTO	* Examination of Reissue Applications (37 CFR 1.176)	UC	Changes determined to be unnecessary. Alternatives available under existing regulations have proven to be adequate.
PTI/PTO	* Recording Interests in Patents, Trademarks, Patent Applications and Trademark Applications (37 CFR 1.331-334, 2.185-187)	UC	Changes determined to be unnecessary. Guidelines will be published in the Manual of Patent Examining Procedure and Trademark Manual of Examining Procedure to assist the public in determining the kinds of interests that may and may not be recorded.
PTI/PTO	* Advisory Opinions by the PTO on the Validity of Patents	UC	Postponed pending congressional action on H.R. 6933 and S. 1679 which include provisions for the re-examination of issued patents.
PTI/PTO	* Inter Partes Proceedings and Procedures before the Trademark Trial and Appeal Board (37 CFR 2.91-136 and 2.27(d))	UR	Review completed. Revisions are under consideration (see Schedule A).
PTI/PTO	* Appeals to the Trademark Trial and Appeal Board (37 CFR 2.141-142 and 2.64)	UR	Review completed. Revisions are under consideration (see Schedule A).
PTI/PTO	* Secrecy of Certain Inventions and Licenses to File Applications in Foreign Countries (37 CFR Part 5)	UR	Review completed. Revisions are under consideration (see Schedule A).

Schedule C -- Regulations Deleted From Prior DOC
Semiannual Agenda

Department Unit	Title of Regulation	Prior Agenda Listing	Reason for Deletion from Agenda
PTI/PTO	* Petitions to the Commissioner in Trademark Cases (37 CFR 2.146-2.148, 2.64, 2.65 and 2.184)	UR	Review completed. Revisions are under consideration (see Schedule A).
PTI/PTO	* Request for Identifiable Records (37 CFR 1.15)	UR	Review completed. Revision is under consideration (see Schedule A).

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Appendix—Complete Entries of Significant Regulations in DOC's Semiannual Agenda of Regulations

DOC Operating Unit

Economic Development Administration (EDA).

Title of Regulation

Requirements Regarding the Organizational Structure of Economic Developmentr Districts, 13 CFR 303.2, 303.4, 303.4a, 303.7, 304.3, 307.25, 311.4.

(a) *Description and Need.* These regulations set forth the requirements for economically distressed areas to receive designation as "economic development districts" and to become eligible to receive certain forms of financial assistance from EDA. EDA published an interim rule on June 6, 1979 (correction published June 29, 1979), to describe in greater detail the nature of the functions which a district must perform and to provide for a waiver, in certain limited situations, of the requirements concerning the basic organizational structure of a district. EDA has considered the comments received on the interim rule and is in the process of revising the interim rule prior to publishing these regulations in final.

(b) *Legal Authority.* The Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3211).

(c) *Importance:*

(i) Are the regulations significant? (yes x , no , unknown).

(ii) Are the regulations major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates the Rule Will Appear in the* **Federal Register:**

(i) In interim form (June 6, 1979, 44 FR 32359; correction published on June 29, 1979, 44 FR 37905).

(ii) In final form (June, 1980).

(e) *Tentative Plan for Obtaining Public Comments.* Due to certain funding restrictions, EDA published the changes to these regulations in interim form in June of 1979 and provided 60 days for comment. EDA has provided ample opportunity to interested parties to participate by holding a series of meetings regarding these changes and by corresponding extensively concerning the nature of the changes. EDA has received many comments concerning the interim rule, both expressing support and suggesting further changes. EDA will respond to the comments when it publishes the final rule.

(f) *Major Issues.* The primary issue involved in these regulations concersn the degree of flexibility the districts should have in meeting EDA's representation requirements. Some parties believe that the district organization should be required to provide for representation of the various interests in the district (e.g., minorities, the unemployed, principal economic interests, etc.) directly on the governing board of the district organization. Other parties stated that the districts should be free to adopt alternative organizational arrangements which provided for the involvement of representatives of the various interests, without being required to provide for direct representation on the governing board of the district.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis required? (yes , no x , unknown).

(2) Other documents available: none.

(h) Agency Contact: Victor A. Hausner, Deputy Assistant Secretary for Policy and Planning, Economic Development Administration, Washington, D.C. 20230, Tel. (202) 377–3121.

DOC Operating Unit

Ecomonic Development Administration (EDA).

Title of Regulation

(Miscellaneous changes regarding energy conservation in EDA financial assistance programs), 13 CFR 304.4, 305.59, 306.12, 307.3, 307.22, 307.28, 307.52, 307.55, 307.56, 307.57, 308.6, 315.54, 315.55.

(a) *Description and Need:* Executive Order 12185 requires Federal agencies to publish regulations which are designed to achieve conservation of petroleum and natural gas in connection with the extension of Federal assistance. EDA will publish proposed regulations to implement the Order in its financial assistance programs. While a number of regulations will be affected due to the number of grant and loan programs which EDA administers, the changes basically involve three types: Changes to economic development and adjustment planning requirements to ensure that recipients of planning assistance consider the need for energy conservation in their plans; changes to program requirements to allow explicitly the costs associated with energy conservation as eligible project costs; and changes to certain program requirements to require applicants to perform "energy design and operating analyses" to help ensure that funds are used to construct energy-efficient projects.

(b) *Legal Authority:* Section 701 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3211); Executive Order 12185, December 17, 1979.

(c) *Importance:*

(i) Are the regulations significant? (Yes x , no , unknown).

(ii) Are the regulations major? (Yes , no x , unknown).

(d) *Timetable: Anticipated Dates the Rule Will Appear in the* **Federal Register:**

(i) In proposed form (May, 1980).

(ii) In final form (Summer, 1980).

(e) *Tentative Plan for Obtaining Public Comments:* EDA will allow 60 days for comment on the proposed rule. In addition, EDA has consulted directly with many public interest groups concerned with EDA programs regarding the nature of these changes and will continue to consult with these groups and others over the course of the next few months.

(f) *Major Issues:* The major issues involved in these proposed regulations concern how EDA can best implement the goals of the Executive Order 12185 to conserve natural gas and petroleum in the financial assistance programs administered by EDA. The goals of the Order would be furthered if EDA were to fund projects which would contribute most to energy conservation. In funding projects, however, EDA must first carry out the legislative mandate of its program authorities and fund those projects which will create or retain jobs in economically distressed areas. EDA has concluded preliminarily that the goals of the Executive Order can be best achieved in the context of EDA's job-creation mission by continuing to select projects primarily on the "job-creation" merits, but ensuring that such projects are planned and constructed in accord with energy conservation principles.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis required? (Yes , no x , unknown).

(2) Other documents available: none.

(h) *Agency Contact:* Alan S. Gregerman, Policy Development Division, Economic Development Administration, Washington, D.C. 20230, tel. (202) 377–5103.

DOC Operating Unit

Marad.

Title of Regulation

Operating-differential subsidy for bulk cargo vessels engaged in worldwide service; essential service requirement (46 CFR 252.21).

(a) *Description and Need:* The Maritime Administration (Marad) provides operating-differential subsidy (ODS) payments to American carriers engaged in the essential foreign trades

of the United States to compensate them for the cost differences in operating under the U.S. flag, rather than under competitive foreign flags. For liner operators, the statutory definition of "essential foreign trade" covers only shipments to and from the United States. However, "essential foreign trade" for tramp trade bulk carriers includes foreign-to-foreign point shipments as well, since tramp ships must be able to go where cargo is available. Marad wrote into the tramp trade bulk carrier ODS contracts a requirement that they carry a certain percent of their cargo to and from U.S. ports in order to ensure that the subsidized bulk operations promoted the foreign trade of the U.S. Marad has suspended enforcement of the U.S. trade percentage restriction since 1977 while evaluating the need for this requirement. Experience since then has shown that subsidized tramp bulk operators tend to carry a high percentage of their cargo to and from U.S. ports even without the contractual obligation to do so. However, the continued existence of the contractual restriction may hamper the operations of U.S.-flag bulk carriers and so place U.S. operators at a competitive disadvantage. The proposed amendment to the regulation would therefore permanently eliminate this restriction in existing ODS contracts for bulk carriers.

(b) *Legal Authority:* Secs. 204(b), 601(a), Merchant Marine Act, 1936 as amended, (46 U.S.C. 1114(b)), 1171(a)).

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes x , no , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form (published May 31, 1979, 44 FR 31239).

(ii) In final form (May 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in **Federal Register** with information released to and published by *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication).

(f) *Major Issues:* The major issue in this regulation is to balance the interests of the U.S. Government in making sure that subsidy funds are used to promote the foreign commerce of the U.S. against the impact and cost of foreign percentage restrictions that limit the ability of U.S. operators to compete with foreign-flag operators.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes x , no , unknown).

Anticipated date of draft analysis (N/A) [1]

(2) Other Documents Available: None

(h) *Agency Contact:* Kenneth Willis, Examiner, Maritime Administration, Office of Subsidy Contracts, Washington, D.C. 20230, Tel. (202) 377-4660.

DOC Operating Unit

Marad.

Title of Regulation

Conservative Dividend Policy (46 CFR Part 283).

(a) *Description and Need:* The Maritime Administration (Marad) provides operating-differential subsidies (ODS) for the operators of American-flag vessels in the foreign trades to compensate them for the added cost of operating under American registry. ODS recipients are contractually bound to follow a conservative policy on paying dividends to ensure that they have sufficient capital to meet their obligations and finance new vessels at the end of the useful life of subsidized ships. Since almost every ODS recipient also participates in a government obligation guarantee (Title XI), the dividend policy has an effect on that program as well. Vessel operators have argued that the current dividend policy, especially as it affects "working capital" requirements, is more restrictive than what is necessary to protect the government's interests. The regulations would lessen these restrictions.

(b) *Legal Authority:* Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form (published July 18, 1979, 44 FR 41854).

(ii) In final form (May 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in **Federal Register;** and information released to and published by *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication).

(f) *Major Issues:* The major issues are whether the proposed regulation strikes an appropriate balance between the need to provide ODS recipients with sufficient financial flexibility, and the interest of the government in the long-term financial stability of the operating companies, and whether the balance struck in the proposed regulation also meets the needs of the title XI program.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes , no x , unknown).

Anticipated date of draft analysis (N/A).

(2) Other Documents Available: None.

(h) *Agency Contact:* Murry Bloom, Maritime Administration, Office of the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, Tel. (202) 377-2056.

DOC Operating Unit

Marad.

Title of Regulation

Construction-differential subsidy (CDS) contracts (46 CFR Part 251).

(a) *Description and Need.* The Maritime Administration (Marad) administers a construction-differential subsidy program (CDS) which is intended to encourage the construction of privately-owned merchant ships in American shipyards. The CDS payment compensates for the difference in cost for work done in American, rather than foreign shipyards. Three contracts are required for each project: One between the purchaser or owner and the shipyard; one between the purchaser or owner and Marad, and one between the shipyard and Marad. Currently, the terms of all three contracts are negotiated for each project even though the same set of legal standards applies to all projects. Marad will therefore promulgate a standard set of contracts for use by all parties on future projects. This will greatly reduce legal time and expenses for all parties and will ensure that all interested parties participated in a CDS program on an equal basis.

(b) *Legal Authority:* Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(c) *Importance:*

(i) is the regulation significant?
(yes x , no , unknown).

(ii) is the regulation major?
(yes , no x , unknown).

(d) *Timetable: Anticipated Dates the Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (published February 19, 1979, 44 FR 3997).

(ii) In Final form (May 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Provided for through publication in **Federal Register;** comments have been reviewed and proposed revisions are being made by the staff for consideration by the Maritime Subsidy Board.

[1] Final regulatory analysis available on publication of final regulation.

(f) *Major Issues:* The major issues in drafting the standardized contracts are to ensure that they are (1) consistent with legal requirements, (2) adequately protecting the interests of the government, (3) consistent with industry practices, and (4) sufficiently flexible to cover future contingencies.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

Anticipated date of draft analysis (N/A).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* Melvin S. Eck, Attorney-Advisor, Maritime Administration, Office of the General Counsel, Washington, D.C. 20230, Tel. (202) 377–2771.

DOC Operating Unit

Marad.

Title of Regulation

Requirements and procedures for the administration of condition surveys and maintenance and repair subsidy (46 CFR Part 272).

(a) *Description and Need:* 46 CFR Part 272 establishes the policy and procedure of the agency in administering that part of the operating-differential subsidy (ODS) program relating to requirements for conducting condition surveys of vessels under ODS agreements (ODSA), which provide for maintenance and repair (M&R) subsidy. It includes requirements for the accomplishment and reporting of maintenance and repair. This part is not applicable to ODSA for the carriage of grain to the U.S.S.R. The revision clarifies various provisions, which have presented administrative problems, and reorganizes the entire part. Also, it reflects a change in policy to allow payment of ODS for that part of the M&R costs accomplished by utilizing labor, materials, or both, of domestic origin, irrespective of where the work was accomplished, i.e., anywhere in the world.

(b) *Legal Authority:* Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form (May 1980).

(ii) In final form (October 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in the **Federal Register** with information released to and published by *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication).

(f) *Major Issues:* The major issue is whether the agency has been too restrictive in its interpretation of a requirement in section 606(6) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1176), to be incorporated in every ODSA, that "an operator who receives subsidy with respect to repairs shall perform such repairs within any of the United States or the Commonwealth of Puerto Rico, except in an emergency." This interpretation, as reflected in existing §§ 272.10(a) and 272.11(c), disallows subsidy for all foreign repairs performed "outside the continental limits of the United States." The Maritime Subsidy Board has reviewed an analysis of the legislative history of this provision of the 1936 Act, and has concluded that M&R subsidy should be payable for that part of the M&R cost accomplished by utilizing labor, materials, or both, of domestic origin, irrespective of where the work was accomplished, i.e., anywhere in the world.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) Other Documents Available: None.

(h) *Agency Contact:* John J. Davis, Chief, Division of Ship Management, Maritime Administration, Washington, D.C. 20230, Tel. (202) 377–3640.

DOC Operating Unit

Marad.

Title of Regulation

Award and Administration of Operating-Differential Subsidy for Dry Bulk Cargo Vessels (46 CFR Part 254).

(a) *Description and Need:* The Maritime Administration (Marad) administers an operating-differential subsidy (ODS) program, which is intended to Compensate American shipowners in foreign trade for the cost difference between operating a ship under American, rather than foreign registry. The level of ODS payments is based on the comparative costs incurred by representative American and foreign operators with respect to major items. The procedures for selecting representative cost items and representative foreign flags, as well as costs, and for calculating ODS payments are revised frequently as economic conditions change. The proposed regulation will recognize the need for some substantive rules and procedures in the administration of the operating-differential subsidy program (ODS) for dry bulk cargo vessels. Regulations governing ODS for all bulk cargo vessels engaged in worldwide services appear in 46 CFR Part 252, selected for review. Amendments to Part 252 will be based on the scheme and format of the newly proposed Part 254. The new Part 254 will also implement any new legislation which might be enacted, arising out of proposals submitted by Marad and other legislative initiatives.

(b) *Legal Authority:* Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register.**

(i) In proposed form (published September 6, 1979, 44 FR 52002).

(ii) In final form (July 1980) [2]

(e) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in **Federal Register** and release of information to *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication).

(f) *Major issues:* The major issues are the need to develop regulations that recognize the unique problems of dry bulk vessel operators receiving ODS, to clarify existing law and reflect enactment of legislative proposals, if enacted.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

Anticipated date of draft analysis (N/A).

(2) Other Documents Available: None.

(h) *Agency Contact:* Frederick R. Larson, Maritime Administration, Director, Office of Ship Operating Costs, Washington, D.C. 20230, Tel. (202) 377–5532.

DOC Operating Unit

Marad.

Title of Regulation

Construction-Differential Subsidy (CDS) Repayment: Total repayment policy and procedure (46 CFR Part 276).

(a) *Description and Need:* The Maritime Subsidy Board (Board) published a notice in the **Federal Register** on November 2, 1978, proposing to amend 46 CFR Part 276 to include a new section describing its policy in

[2] Estimate subject to delays pending congressional action on pending legislative proposals relating to promotion of U.S.-flag dry bulk vessel construction.

considering applications for the total repayment of CDS, including terms for repayment. At the time of publication there was pending before the U.S. Court of Appeals for the District of Columbia a decision by the District Court, holding that the Secretary of Commerce has the authority to accept total repayment of CDS in exchange for removal of domestic trade restrictions imposed by section 506 of the Merchant Marine Act, 1936, as amended. The Board issued proposed regulations prior to final disposition of the litigation based upon the request of the parties to promulgate regulations, as suggested by the District Court in its decision. The Board has not proceeded with final rulemaking action, pending final resolution of the issue of the Secretary's authority to accept the total CDS repayment. On February 20, 1980, the Supreme Court ruled that the Secretary had this authority. The Supreme Court reversed the Court of Appeals decision, and remanded the case to the Court of Appeals for further consideration of whether the Secretary could accept a promissory note as repayment.

(b) *Legal Authority:* Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form (published November 2, 1978, 43 FR 51045).

(ii) In final form (June 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in the **Federal Register** with information released to and published by *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication).

(f) *Major Issues:* The major issues are (1) under what circumstances should the Secretary of Commerce exercise existing authority to accept total repayment of CDS, and (2) what terms of repayment will be equitable, balancing the interests of the CDS vessel owners, competitors whose vessels were built without CDS, and the government.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes , no x , unknown).

(2) Other Documents Available: None.

(h) *Agency Contact:* J. B. Young, Director, Office of Trade Studies and Statistics, Maritime Administration, Washington, D.C. 20230, Tel. (202) 377-4758.

DOC Operating Unit

Marad.

Title of Regulation

Documentation transfer or charter of vessels (46 CFR Part 221).

(a) *Description and Need:* Regulations in 46 CFR Part 221 includes provisions governing the transfer of vessels and interests in vessels owned by U.S. citizens to non-citizens and approvals of vessel charters to aliens, pursuant to authority in the Shipping Act, 1916. The amendments are being made to clarify the applicability of a general provision for the approval of certain vessel charters to aliens and to distinguish it from a procedure limited to approval of vessel charters for carriage of agricultural commodities to the U.S.S.R. The list of countries with which trade may not be approved for vessels chartered to aliens has been revised to be consistent with policy as proclaimed by the President. A similar revision has been made to a restricted list with respect to transfers of vessels, or interests therein, to aliens.

(b) *Legal Authority:* Secs. 9, 37 and 41, Shipping Act, 1916 as amended.

c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register**

(i) In proposed form (N/A).

(ii) In final form (June 1980).

(e) *Tentative Plan for Obtaining Public Comments:* None. Clarifying amendments are not significant, and the amendments of the restricted countries list relates to implementation of the exercise by the President of a foreign affairs function, which is not subject to the requirements of E.O. 12044 pursuant to provision of section 2(b) thereof.

(f) *Major Issues.* The major issues are to clarify the distinction between a general provision and one of a limited applicability and to conform the provision concerning trade restrictions to be consistent with the policy announced by the President.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes , no x , unknown).

(2) Other Documents Available: None.

(h) *Agency Contact:* Virginia O'Brien, Foreign Transfer Officer, Division of Ship Management, Office of Ship Operations, Maritime Administration, Washington D.C. 20230, Tel. (202) 377-3213.

DOC Operating Unit

Marad.

Title of Regulation

Construction-differential subsidy (CDS)-requirements for aid (46 CFR Part 251).

(a) *Description and Need:* The Maritime Administration (Marad) makes available construction-differential subsidies (CDS) for shipowners who undertake construction, reconstruction or reconditioning in American shipyards. CDS payments are intended to offset the higher cost of work in American shipyards. It is made available only to qualified shipowners who will place the vessels in the foreign trades of the U.S. Marad has developed over the years many restrictions, requirements and procedures for administering the CDS program. These policies determine who is eligible, the procedures for application, the types of ships which may be built with CDS funds, the conditions of service for CDS built vessels, the level of CDS payments, and the obligations of both Marad and the vessel owner after construction. These policies have been set forth in a wide range of documents. Some of them have never been formally published as regulations. The proposed regulation would therefore codify these policies without making any substantive change in them. Among the anticipated benefits are (1) clarification of the legal status of the CDS policies and procedures, (2) advising the public of program benefits and requirements, and (3) easing the task of administering the CDS program.

(b) *Legal Authority:* Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes , no x , unknown).

(d) Timetable: Anticipated Dates Proposal Will Appear in **Federal Register:**

(i) In proposed form (unknown) [3]

(ii) In final form (unknown)[3]

(e) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in **Federal Register;** and release of information to *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication).

(f) *Major Issues:* Regulations would be codifications of existing policies and practices for the CDS program. Therefore, it is not anticipated that any

[3] The need for developing regulations is being reassessed.

major issues or controversies would develop if they are issued.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) Other Documents Available: None.

(h) *Agency Contact:* James E. Saari, Attorney-Adviser, maritime Administration, Office of General Counsel, Washington, D.C. 20230, Tel. (202) 377–2771.

DOC Operating Unit

Marad.

Title of Regulation

Cargo Preference-U.S. flag vessels-determination of fair and reasonable rates (46 CFR 381.8, 381.9 and new Part 382).

(a) *Description and Need:* 46 U.S.C. 1241 states that at least 50% of the materials procured by the United States Government which are shipped by water shall be transported on privately-owned United States flag commercial vessels so long as they are available at "fair and reasonable rates." The Maritime Administration (Marad) is responsible for issuing regulations governing the implementation of this program by other agencies.

The proposed regulation will set forth the standards and procedures used in determining "fair and reasonable rates." These standards and procedures have not been set forth by regulation in the past. It is expected that codification and publication of these standards and procedures will provide merchant ship operators with the information needed to determine the rates they could expect for section 1241 cargo. It will also allow other government agencies to determine more easily under what conditions they are obliged to ship available cargoes on U.S.-flag vessels.

(b) *Legal Authority:* Sec. 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no , unknown x).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (indefinite)[4]

(ii) In final form (indefinite)[4]

(e) *Tentative Plan for Obtaining Public Comments:* Publication in proposed form in **Federal Register** and release of information to *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication).

(f) *Major Issues:* The major issue involved in drafting these regulations is to determine whether a proper balance is struck between the interests of private carriers and government agencies. A "fair and reasonable return" should allow efficient carriers to make a competitive profit at the lowest rates consistent with the development of a healthy merchant marine industry. Marad must also determine whether the economic assumptions about cost and financing on which the calculations of fair and reasonable rates are based are consistent with industry experience.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no , unknown x).

(2) Other Documents Available: None.

(h) *Agency Contact:* Frederick R. Larson, Maritime Administration, Director, Office of Ship Operating Costs, Washington, D.C. 20230, Tel. (202) 377–5532.

DOC Operating Unit:

Marad

Title of Regulation

Merchant Marine Training (46 CFR Part 310).

(a) *Description and Need:* The Maritime Administration (Marad) is responsible for the administration of the U.S. Merchant Marine Academy, the aid programs to State merchant marine academies, and the U.S. Maritime Service, a voluntary maritime training organization.

The regulations relevant to these programs have not always been amended in a timely fashion to reflect policy and program developments. The need to bring the regulatory framework up to date is particularly great for the Maritime Service since the regulations have not been revised since the Service was significantly restructured in the 1950's. The Select Subcommittee of the House Merchant Marine and Fisheries Committee, after reviewing these programs, recommended that the regulations be amended to reflect current practice and legal requirements. The draft regulations are intended to implement these recommendations. The publication of the proposed regulations has been delayed pending congressional action on comprehensive pending legislation dealing with maritime education and training.

(b) *Legal Authority:* Sec. 204(b) and 216, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b) and 1126); Pub. L. 85–672 (46 U.S.C. 1381–1388).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form (July 1980).

(ii) In final form (November 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in **Federal Register;** release of information and publication in *Journal of Commerce* and *Congressional Information Bureau* (maritime industry publication); and notice of opportunity to comment in other selected publications.

(f) *Major Issues:* The major issue is whether procedures adopted by Marad in the area of maritime education and training are consistent with the requirements of applicable statutory authority.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) Other Documents Available: None.

(h) *Agency Contact:* Kathleen A. Shetler, Manpower Management Officer, Maritime Administration, Office of Maritime Manpower, Washington, D.C. 20230, Tel. (202) 377–5653.

DOC Operating Unit:

Minority Business Development Agency (MBDA)

Title of Regulation

MBDA Financial Assistance Awards.

(a) *Description and Need:* MBDA coordinates Federal activities designed to assist minority businesses, stimulates private sector efforts in support of minority enterprise, and provides financial assistance to private and public organizations that provide management and technical assistance to minority businesspersons, as authorized by Executive Order 11625. In implementing the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224, these regulations not only define and distinguish the kinds of MBDA financial assistance awards but also provide information on how to apply for them and the administrative requirements imposed. The primary benefit that these regulations will bring is the standardization of the usage and the clarification of the meaning of legal instruments reflecting Federal assistance relationships from Federal procurement relationships. Removal of uncertainty as to the meaning of such terms as "contract," "grant," and "cooperative agreement" and the

[4] Maritime Subsidy Board is to determine policy as to scope of regulations, i.e., whether they should be applicable to carriage of dry bulk cargoes as well as liquid bulk cargoes.

relationships they reflect will reduce, if not altogether eliminate, operational inconsistencies confusion, inefficiency and waste.

(b) *Legal Authority:* Executive Order 11625, October 13, 1971, and 15 U.S.C. 1512.

(c) *Importance:*

(i) Is the regulation significant?

(yes , no x , unknown).

MBDA has indicated in DAO 218-7 (Appendix I, Section 2) that all regulations of the agency will be considered significant.

(ii) Is the regulation major?

(yes x , no , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) in proposed form (July 15, 1980).

(ii) In final form (September 15, 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Upon publication in the **Federal Register,** MBDA will review and consider all comments received prior to issuing the final regulations on September 15, 1980. Further, various public interest groups will be sent a copy of the proposed regulations simultaneously with its submission to the **Federal Register** for publication.

(f) *Major Issues:* The major issues involved in these regulations concern the determination of the existence of a competitive environment, and the meaning of substantial involvement. The determination of when or where "competition" is feasible is important since one of the purposes of Pub. L. 95-224 is "to maximize competition in the award of contracts and encourage competition, where deemed appropriate, in the award of grants and cooperative agreements." The question of "substantial involvement," on the other hand, is vital inasmuch as its anticipation or non-anticipation with the recipient during performance of the contemplated activity is decisive in categorizing it either as grant or cooperative agreement.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?

(Yes , no x , unknown).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* John Smith, Deputy Chief Counsel, MBDA, Washington, D.C. 20230, Tel. (202) 377-4683.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Bering Sea—Chukchi Sea Herring Fishery Management Plan (FMP).

(a) *Description and Need:* The FMP will establish the regulation of domestic and foreign fishing in the Bering Sea and Chukchi Sea Fishery Conservation Zone.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant?

(Yes x , no , unknown).

(ii) Is the regulation major?

(Yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: August 1980.

(ii) In final form: November 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Will be published in **Federal Register** as proposed regulations.

(f) *Major Issues:* The regulation will determine the optimum yield of herring, the allowable level of foreign fishing, and the allowable domestic harvest.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?

(Yes x , no , unknown).

Anticipated date of draft analysis (May 1980).

(2) *Other Documents Available:* Bering Sea—Chukchi Sea Fishery Management Plan.

(h) *Agency Contact:* Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Tel. (907) 586-7221.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Alaska King Crab Fishery Management Plan (FMP).

(a) *Description and Need:* The FMP will establish the regulation of domestic fishing for King Crab in the Fishery Conservation Zone (FCZ) off Alaska.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant?

(Yes x , no , unknown).

(ii) Is the regulation major?

(Yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: October 1980.

(ii) In final form: March 1981.

(e) *Tentative Plan for Obtaining Public Comments:* Will be published in **Federal Register** as proposed regulations.

(f) *Major Issues:* The regulation will determine the optimum yield of the King Crab.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?

(Yes x , no , unknown).

Anticipated date of draft analysis (August 1980).

(2) *Other Documents Available:* Alaska King Crab Fishery Management Plan.

(h) *Agency Contact:* Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Tel. (907) 586-7221.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Pacific Billfish and Oceanic Sharks Fishery Management Plan (FMP).

(a) *Description and Need:* The FMP will supercede the Preliminary Fishery Management Plan (PMP) for Pacific Billfish and Oceanic Sharks, in the Fishery Conservation Zone (FCZ) off Hawaii, Guam, American Samoa, the Northern Mariana Islands, and U.S. possessions in the Central and Western Pacific Ocean.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant?

(Yes x , no , unknown).

(ii) Is the regulation major?

(Yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form: December 1980.

(ii) In final form: May 1981.

(e) *Tentative Plan for Obtaining Public Comments:* Draft FMP and Environmental Impact Statement will be circulated for public review and hearings. Draft regulations will be subject to 60-day public review period.

(f) *Major Issues:* The major issue is to establish control over the incidential catch of billfish, sharks, and related species by foreign longline vessels fishing for tuna in the FCZ.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?

(Yes x , no , unknown).

Anticipated date of draft analysis (December 1980).

(2) *Other Documents Available:* Final Supplemental Environmental Impact Statement (EIS)/Preliminary Fishery Management Plan (PMP) for Pacific Billfish and Oceanic Sharks.

(h) *Agency Contact:* Floyd S. Anders, Jr., Acting Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731, Tel. (213) 548-2575.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Atlantic Mackerel Fishery Management Plan (FMP).

(a) *Description and Need:* Regulations will implement the Fishery Management Plan for Atlantic Mackerel. The regulations will control the domestic and foreign fishery in the Fishery Conservation Zone (FCZ) of the Atlantic Ocean.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: April 3, 1980 (45 FR 22144).

(ii) In final form: June 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Publication of proposed rulemaking in **Federal Register** for 60-day comment period. Distribution of news release to state agencies, environmental groups, and fisheries organizations announcing general nature of proposed rulemaking, and where copy of regulatory text can be obtained.

(f) *Major Issues:* The major issues in this regulation are (1) the optimum yield for Atlantic mackerel, (2) the allocation between domestic and recreational fishermen of an allowable harvest, and (3) the mandatory reporting of catches by commercial vessels plus party and charter boats.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (August 1979).

(2) *Other Documents Available:* Atlantic Mackerel Fishery Management Plan and accompanying Environmental Impact Statement.

(h) *Agency Contact:* Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, Tel. (617) 281-3600.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico.

(a) *Description and Need:* The action will result in management of the shrimp fishery of the Gulf of Mexico. It will optimize the yield of shrimp, minimize take of incidental finfish, coordinate management measures with State programs where possible, and will provide for a statistical reporting system.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: May/June 1980.

(ii) In final form: August/September 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Publication in **Federal Register** and public hearings.

(f) *Major Issues:* The main issues are to maximize the harvest of shrimp and to minimize the taking of finfish and marine turtles.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (October 1979).

(2) *Other Documents Available:* Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico.

(h) *Agency Contact:* William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702, Tel. (813) 893–3141.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Bering Sea and Aleutian Islands Groundfish Fishery Management Plan (FMP).

(a) *Description and Need:* Regulates foreign and domestic fishermen in the Bering Sea and North Pacific.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: November 1980.

(ii) In final form: February 1981.

(e) *Tentative Plan for Obtaining Public Comments:* Will be published in proposed form in the **Federal Register.**

(f) *Major Issues:* The main issues are to determine domestic processing capacity and area restrictions.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (October 1979).

(2) *Other Documents Available:* Bering Sea and Aleutian Islands Groundfish FMP.

(h) *Agency Contact:* Phillip Chitwood, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Tel. (907) 586–7229.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Amendments to regulations which control the incidental take of porpoise in the yellowfin tuna purse seine fishery.

(a) *Description and Need:* The Marine Mammal Protection Act of 1972 states that the incidental mortality and serious injury of marine mammals involved in commercial fishing operations must be reduced to insignificant levels approaching a zero rate. Regulations and quotas for tuna purse seine fishing were promulgated in 1977 for calendar years 1978, 1979, and 1980. These regulations contained action to reduce the incidental injury and mortality of marine mammals and to prohibit the importation of fish caught in association with marine mammals, from countries which do not meet U.S. standards.

(b) *Legal Authority:* 16 U.S.C. 1361–1407.

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: December 1979.

(ii) In final form: October 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Public comment will be solicited at all stages of the regulatory amendment process, including those opportunities available through the National Environmental Policy Act process and the Administrative Procedure Act process. Formal administrative law judge (ALJ) hearings will be conducted in Washington, D.C., and San Diego, California.

(f) *Major Issues:* The status of the porpoise populations will be the central issue. A second issue will be the economic viability of the U.S. tuna industry. U.S. flag tuna vessels comprise

approximately 60 percent of the world tuna fleet operating in the Eastern tropical Pacific Ocean. U.S. vessels landed approximately 37,000 metric tons of yellowfin tuna in 1978 which were caught in association with porpoise. The economic viability of the world tuna fleet is highly dependent upon the ability to catch tuna in association with porpoise. The mortality of porpoise has been reduced from over 300,000 in 1971 to under 20,000 in 1978. However, public concern over the mortality of porpoise continues. Strong public pressure is expected to reduce the mortality to zero. Tuna industry representatives are expected to exert pressure to keep quotas high enough to avoid economic harm to their operations.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes x , no , unknown).

Anticipated date of draft analysis (November 1979).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Tel. (202) 634–7461.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Washington, Oregon, and California Groundfish Fishery Management Plan (FMP).

(a) *Description and Need:* The regulation will implement Washington, Oregon and California Groundfish Fishery FMPs, if in place. The regulation covers both foreign and domestic fishing, replacing the preliminary fishery management plan.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: September 1980.

(ii) In final form: December 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Will be published in **Federal Register.**

(f) *Major Issues:* The major issues are to establish the level of conservation stocks and time/area restrictions.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes x , no , unknown).

Anticipated date of draft analysis (August 1980).

(2) *Other Documents Available:* Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan, 1977. Supplement to the Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan, 1978.

Second Supplement to the Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan, 1979. Washington, Oregon, and California Groundfish Fishery Preliminary Fishery Management Plan.

(h) *Agency Contact:* Thomas E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109. Tel. (206) 442–7575.

DOC Operating Unit

National Marine Fisheries Service

Title of Regulation

Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) (Amendment No. 5).

(a) *Description and Need:* The action will regulate foreign and domestic harvest of the Tanner Crab in the Fishery Conservation Zone (FCZ) off Alaska.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: May 1980.

(ii) In final form: August 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Proposed regulations will be published in the **Federal Register.** Public hearings have been held by the Regional Fishery Management Council.

(f) *Major Issues:* The major issues are to establish an optimum yield of stocks and an allowable level of foreign fishing.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes x , no , unknown).

Anticipated date of draft analysis (February 1980).

(2) *Other Documents Available:* Commercial Tanner Crab Fishery Off the Coast of Alaska Fishery Management Plan (FMP).

(h) *Agency Contact:* Phillip Chitwood, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Tel. (907) 586–7229.

DOC Operating Unit

National Marine Fisheries Service

Title of Regulation

Groundfish Fishery Management Plan (FMP) (Southeast Region).

(a) *Description and Need:* The FMP will implement regulations for the managment of groundfish resources and minimize user conflicts.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant:
(yes x , no , unknown).

(ii) Is the regulation major?
(yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: January 1981.

(ii) In final form: July 1981.

(e) *Tentative Plan for Obtaining Public Comments:* Public Hearings will be held on the FMP. Consultations will be conducted with commercial and recreational organizations, local, State and Federal agencies as appropriate.

(f) *Major Issues:* The major issue is to determine how to utilize and maintain groundfish resources while minimizing conflicts with other commercial interests.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?
(yes x , no , unknown).

Anticipated date of draft analysis (July 1980).

(2) *Other Documents Available:* Groundfish Fishery Management Plan.

(h) *Agency Contact:* William H. Stevenson, Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Tel. (813) 893–3141.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Caribbean Shallow Water Reef Fish Management Plan (FMP).

(a) *Description and Need:* The FMP will implement management regulations for the efficient utilization of shallow water resources and reduce user group conflicts.

(b) *Legal authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: February 1981.
(ii) In final form: July 1981.
(e) *Tentative Plan for Obtaining Public Comments:* Public Hearings will be held on the FMP. Consultations will be conducted with local, State and Federal agencies as appropriate.
(f) *Major Issues:* The major issue is to determine how to maintain the resources and provide fair allocations of the available resources to recreational and commercial fishermen.
(g) *Documents Available to Interested Parties:*
(1) Regulatory Analysis Required? (yes x , no , unknown).
Anticipated date of draft analysis (October 1980).
(2) *Other Documents Available:* None at present.
(h) *Agency Contact:* William H. Stevenson, Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Tel. (813) 893–3141.

DOC Operating Unit:

National Marine Fisheries Service.

Title of Regulation

Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (FMP) (50 CFR Part 661).
(a) *Description and Need:* The FMP will regulate the domestic fishery for salmon in the Fishery Conservation Zone (FCZ) off California, Oregon and Washington.
(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*
(c) *Importance:*
(i) Is the regulation significant? (yes x , no , unknown).
(ii) Is the regulation major? (yes x , no , unknown).
(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**
(i) In proposed form: May 1980.
(ii) In final form: August 1980.
(e) *Tentative Plan for Obtaining Public Comments:* Will be published in the **Federal Register.**
(f) *Major Issues:* The major issues are to establish the length of the fishing season and to allocate the resource among domestic user groups.
(g) *Documents Available to Interested Parties:*
(1) Regulatory Analysis Required? (yes x , no , unknown).
Anticipated date of draft analysis (May 1980).
(2) *Other Documents Available:*
Commercial and Recreational Salmon FMP Amendment, 1979.
Commercial and Recreational Salmon FMP, 1978.
Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California FMP, 1977.
(h) *Agency Contact:* Thomas E. Kruse, Acting Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, Tel. (206) 442–7575.

DOC Operating Unit:

National Marine Fisheries Service

Title of Regulation

Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles (50 CFR Part 226).
(a) *Description and Need:* On October 4, 1978, the National Marine Fisheries Service (NMFS) published proposed determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles in the Port Canaveral Navigation Channel, Cape Canaveral, Florida. The action was taken to provide protection to endangered and threatened sea turtles hibernating in the channel.
(b) *Legal Authority:* Endangered Species Act of 1973 (Pub. L. 93–205) (87 Stat. 884) (16 U.S.C. 1531–1543).
(c) *Importance:*
(i) Is the regulation significant? (yes x , no , unknown).
(ii) Is the regulation major? (yes , no , unknown x).
(d) *Timetable–Anticipated Dates Proposal Will Appear in* **Federal Register:**
(i) In proposed form: October 4, 1978.
(ii) In final form: December 1980.
(e) *Tentative Plan for Obtaining Public Comments:* Proposed regulations were published in the **Federal Register** on October 4, 1978. The proposal solicited public comments and hearing requests. On November 27, 1978, a supplemental notice was published which extended the comment period, announced the holding of a public meeting and hearing, and requested comments on economic impacts of the designation. Notice of the proposed regulation and meeting/hearing was published in two local newspapers and offered for publication in three scientific journals. The proposed regulation and environmental assessment were sent to State and local government officials, Federal agencies, congressional offices, conservation organizations, and selected individuals.
(f) *Major Issues:* The environmental assessment determined that the proposed Federal action is not a major action having significant impact on the quality of the human environment. The major effect of designating this area as Critical Habitat will be to require any Federal agency that authorizes funds or carries out activities that might result in the destruction or adverse modification of the area to comply with Section 7 of the Act.
(g) *Documents Available to Interested Parties:*
(1) Regulatory Analysis Required? (yes , no , unknown x).
Anticipated date of draft analysis (not determined).
(2) *Other Documents Available:*
Environmental Impact Assessment: Proposed Determination of Critical Habitat for the Kemp's Ridley and Loggerhead Sea Turtles in the Port Canaveral Navigation Channel. September 1978.
(h) *Agency Contact:* Richard B. Roe, Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235.
Tel. (202) 634–7461.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation.

Atlantic Butterfish Fishery Management Plan (FMP).
(a) *Description and Need:*
The regulations will implement the FMP for Butterfish.
The regulations will control the domestic and foreign fishery in the Fishery Conservation Zone (FCZ) of the Atlantic Ocean.
(b) *Legal Authority:* 1 U.S.C. 1801 *et seq.*
(c) *Importance:*
(i) Is the regulation significant? (Yes x , no , unknown).
(ii) Is the regulation major? (Yes x , no , unknown).
(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**
(i) In proposed form: April 1, 1980 (45 FR 21307).
(ii) In final form: July 1980.
(e) *Tentative Plan for Obtaining Public Comments:* Publication of proposed rulemaking in **Federal Register** for 60-day public comment period. News release mailed to State agencies, environmental groups, and fisheries organizations indicating where text of proposed rulemaking can be obtained.
(f) *Major Issues:* The major issues are to determine the optimum yield for butterfish, the allocation of butterfish between domestic and foreign fishermen, the provisions for reallocation of butterfish from domestic quota to foreign quota during fishing season, and the mandatory reporting

requirements for catches by domestic vessels.

(g) *Documents Available to Interested Parties*:

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (August 1979).

(2) *Other Documents Available*: Fishery Management Plan and accompanying Environmental Impact Statement for Butterfish (November 1978); Revised Fishery Management Plan (June 1979).

(h) *Agency Contact*: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Tel. (617) 281–3600.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Designation of Critical Habitat for the Hawaiian Monk Seal (50 CFR Part 222).

(a) *Description and Need*: Designation of Critical Habitat for the Hawaiian Monk Seal is pursuant to the Endangered Species Act of 1973, as amended. The Act requires that Critical Habitat be designated for endangered and threatened species now listed in accordance with the Act. Critical Habitat means the specific areas within (or outside) the geographic range of the species on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection.

(b) *Legal Authority*: Endangered Species Act of 1973 (Pub. L. 93–205) (87 Stat. 884) (16 U.S.C. 1531–1543).

(c) *Importance*:

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: (unknown).

(ii) In final form: (unknown).

(e) *Tentative Plan for Obtaining Public Comments*: Public comment and consultation with State and local governments will be solicited at all stages of the process of designation, including those opportunities available through the National Environmental Policy Act process, and public hearings. Public comments will also be solicited when the proposed area(s) designated are published in the **Federal Register.**

(f) *Major Issues*: The major issues are the impact of the designation on State and Federal activities within, and adjacent to, the Critical Habitat; the economic impact of the proposed area designation on the private sectors; the effectiveness of the area designation on increasing the likelihood of the survival of endangered species; and the ecological impact of the area designation on the associated flora and fauna within, and adjacent to, the Central Habitat.

(g) *Documents Available to Interested Parties*:

(1) Regulatory Analysis Required? (yes , no x , unknown).

Anticipated date of draft analysis (not applicable).

(2) *Other Documents Available*: Draft Environmental Impact Statement (DEIS) is available for public review.

(h) *Agency Contact*: Floyd S. Anders, Jr., Acting Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731. Tel. (213) 548–2575.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Regulation Declaring Restricted Fishing Areas (Port Canaveral and Other Areas) (50 CFR Parts 222 and 227).

(a) *Description and Need*: On July 28, 1978, the National Marine Fisheries Service (NMFS) published notice in the **Federal Register** that it is considering candidate areas where sea turtles are concentrated for designation as Restricted Fishing Areas and/or Critical Habitat (43 FR 32800). A Restricted Fishing Area is an area where incidental catch is prohibited or otherwise controlled. Controls may include proper gear usage, fishing methods or procedures, or other regulatory controls to reduce or eliminate incidental catch of sea turtles. The following candidate areas where turtles are concentrated will be considered for designation as Restricted Fishing Areas: North Island—Georgetown, South Carolina; Cape Romain, South Carolina; Brunswick River Channel, Georgia; Hole-in-the-Rock Channel, Georgia; Cape Canaveral Ship Channel, Florida; and North and South Padre Island, Texas.

(b) *Legal Authority*: Endangered Species Act of 1973 (Pub. L. 93–205) (87 Stat. 884) (16 U.S.C. 1531–1543).

(c) *Importance*:

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no , unknown x).

(d) *Timetable—Anticipated Date Proposal Will Appear in* **Federal Register:**

(i) In proposed form: (October 1980).

(ii) In final form: (February 1981).

(e) *Tentative Plan for Obtaining Public Comments:* Prior to the designation of any Restricted Fishing Area within State waters, the Assistant Administrator (NMFS) shall consult with the Governor(s) and Marine Conservation Department(s) of the affected State(s). The Assistant Administrator shall also consult with the appropriate Regional Fishery Management Councils and with affected fishing industries. Public meetings and hearings will be held.

(f) *Major Issues:* The major issues are unknown at this time. The environmental assessment and if appropriate the environmental impact statement will examine major issues.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no , unknown x).

Anticipated date of draft analysis (not determined).

(2) *Other Documents Available:* An environmental assessment and/or environmental impact statement will be prepared prior to the proposed designation(s).

(h) *Agency Contact:* Richard B. Roe, Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235. Tel. (202) 634–7461.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Fish and Wildlife Coordination Act, Uniform Procedures for Compliance.

(a) *Description and Need:* The regulation will define the requirements and procedures that must be met by Federal agencies for fully complying with the Fish and Wildlife Coordination Act (FWCA).

(b) *Legal Authority:*

President's Water Policy Memorandum issues July 12, 1978.

Fish and Wildlife Coordination Act (16 U.S.C. 661).

Fish and Wildlife Act of 1956 (16 U.S.C. 742–(a–k).

(c) *Importance:*

(i) Is the regulation significant? (yes, x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable—Actual Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: (May 18, 1979).

(ii) In reproposed form: Third Quarter, FY 80.

(iii) In final form: First Quarter, FY 81.

(e) *Tentative Plan for Obtaining Public Comments:* Joint Department of Commerce/Interior Notice of Intent to propose rules was published in **Federal Register** on September 29, 1978. Proposed (draft) regulations were published in **Federal Register** on May 18, 1979, and distributed widely to those State governments, Federal agencies, and public groups known to be interested (90-day public review); public hearings were held June 26–28, 1979, in Washington, D.C.; San Francisco, California; Denver, Colorado; Arlington, Texas; Twin Cities, Minnesota; and New Orleans, Louisiana. On October 1, 1979, Secretary of the Interior, Cecil D. Andrus, announced the decision to prepare an Environmental Impact Statement on the joint regulations prepared by the Departments of the Interior and Commerce. Reproposed rules must be issued concurrently. Notice of intent to prepare an EIS and repropose rules was printed in the **Federal Register**, August 17, 1979 (44 FR 48305). The rules are being modified in response to voluminous public comments received in response to the originally proposed rules as well as numerous public hearings held since. Public comment on both the EIS and reproposed rules will be sought upon their publication.

(f) *Major Issues:* The major issues are (1) the applicability of FWCA to a variety of Federal activities including Outer Continental Shelf oil and gas leases, permits, licenses, grants, financial or technical assistance, or other projects affecting waters of the U.S. and oceanic waters; (2) the assessment methods to be used to evaluate wildlife resource values and project effects on those values; (3) the establishment of a definition of "equal consideration of wildlife" in planning projects and "justifiable measures" for wildlife conservation; and (4) the degree of involvement by the National Marine Fisheries Service's (NMFS) field biologists in the planning process of Federal construction and regulatory agencies.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

Anticipated date of draft analysis (not applicable).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* James W. Rote, Director, Office of Habitat Protection, National Marine Fisheries Service, Washington, D.C. 20235. Tel. (202) 634–7490.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Precious Coral Fishery Management Plan (FMP) (Western Pacific).

(a) *Description and Need:* Implementation of the FMP for Precious Coral Fisheries of the Western Pacific Region is needed to protect corals from overfishing and to achieve the optimum yield from the fishery.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form: June 1980.

(ii) In final form: September 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Hearings on the FMP have been held previously. Regulations will be subject to 60-day public review as well as Department of Commerce Secretarial review and approval of the FMP.

(f) *Major Issues:* The major issues are whether to allow exploratory fishing by dredging or other nonselective means, to establish quotas consistent with optimum yields, and to allocate exploratory quotas to foreign interests.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (April 1980).

(2) *Other Documents Available:* Fishery Management Plan for Precious Coral Fisheries of the Western Pacific, and associated Final Environmental Impact Statement.

(h) *Agency Contact:* Floyd S. Anders, Jr., Acting Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731. Tel. (213) 548–2575.

DOC Operating Unit

National Marine Fisheries Service

Title of Regulation

Reef Fish Resources of the Gulf of Mexico Fishery Management Plan (FMP).

(a) *Description and Need:* The regulation will implement reef fish management controls for the domestic harvest of reef fishes in the Fishery Conservation Zone (FCZ). The basic objective is to manage these stocks for their optimum yield.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: October 1980.

(ii) In final form: January 1981.

(e) *Tentative Plan for Obtaining Public Comments:* Public hearings will be held on the FMP. Consultation will be held with State, local and Federal agencies as appropriate.

(f) *Major Issues:* The major issues are to rebuild the declining reef fish stock, to use a reporting system to monitor the harvest of reef fish, and to minimize the conflicts between user groups (i.e., traps versus hook and line).

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (April 1980).

(2) *Other Documents Available:* Reef Fish Resources of the Gulf of Mexico Fishery Management Plan.

(h) *Agency Contact:* William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Tel. (813) 893–3141.

DOC Operating Unit

National Marine Fisheries Service

Title of Regulation

Fishery Management Plan (FMP) for the Spiny Lobster Fishery of Puetro Rico and the Virgin Islands.

(a) *Description and Need:* This action will initiate management of the spiny lobster resources of the Caribbean. Management measures implemented will protect long-term yields, prevent depletion of the stocks, increase yield from the fishery, and acquire information necessary to better manage the fishery.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: November 1980.

(ii) In final form: February 1981.

(e) *Tentative Plan for Obtaining Public Comment:* Publication in **Federal Register** and public hearings.

(f) *Major Issues:* The major issues are gear and user group conflicts in harvesting the stock and poaching by pulling another's traps, and the establishment of a size limit.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (May 1980).

(2) *Other Documents Available:* Fishery Management Plan for the Spiny Lobster Fishery of Puetro Rico and the Virgin Islands.

(h) *Agency Contact:* William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Tel. (813) 893–3141.

DOC Operating Unit

National Marine Fisheries Service

Title of Regulation

Fishery Management Plan (FMP) for Sharks and Other Elasmobranchs.

(a) *Description and Need:* The FMP is intended to provide management of sharks and other elasmobranchs of the Gulf of Mexico.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: January 1981.

(ii) In final form: April 1981.

(e) *Tentative Plan for Obtaining Public Comments:* Publication in **Federal Register** and public hearings.

(f) *Major Issues:* The major issues are determination of optimum yield and catch allocation among user groups.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (July 1980).

(2) *Other Documents Available:* Fishery Management Plan for Sharks and Other Elasmobranchs.

(h) *Agency Contact:* William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Tel. (813) 893–3141.

DOC Operating Unit

National Marine Fisheries Service

Title of Regulation

Coastal Migratory Pelagic Fishery Management Plan (FMP).

(a) *Description and Need:* The action will result in management of king and Spanish mackerel, and cobia in the Fishery Conservation Zone (FCZ) within the South Atlantic and Gulf of Mexico. Management measures are being developed to resolve gear conflicts among user groups.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: August 1980.

(ii) In final form: November 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Publication in **Federal Register** and public hearings.

(f) *Major Issues:* The major issue is the maintenance of the resource while making fair allocations of the stocks available to both recreational and commercial fishermen.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes x , no , unknown).

Anticipated date of draft analysis (March 1980).

(2) *Other Documents Available:* Coastal Migratory Pelagic Fishery Management Plan.

(h) *Agency Contact:* William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Tel. (813) 893–3141.

DOC Operating Unit

National Marine Fisheries Service.

Title of Regulation

Spiny Lobster Fishery Management Plan (FMP) (Western Pacific).

(a) *Description and Need:* The regulations will implement the FMP for Spiny Lobster Fisheries of the Western Pacific Region. It is necessary to achieve the optimum yield and to prevent overfishing.

(b) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (Yes x , no , unknown).

(d) *Timetable—Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: December 1980.

(ii) In final form: May 1981.

(e) *Tentative Plan for Obtaining Public Comments:* Western Pacific Regional Fishery Management Council will prepare draft FMP for public hearings, and comments will be received on draft Environmental Impact Statement, as well. Regulations and final FMP will be subject to 60-day public review.

(f) *Major Issues:* The major issues are determination of optimum yield and selection of size limits for Spiny Lobsters.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (Yes x , no , unknown).

Anticipated date of draft analysis (December 1980).

(2) *Other Documents Available:* Fishery Management Plan and associated Environmental Impact Statement for Spiny Lobster Fisheries of the Western Pacific Region.

(h) *Agency Contact:* Floyd S. Anders, Jr., Acting Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731. Tel. (213) 548–2575.

DOC Operating Unit

Office of Coastal Zone Management.

Title of Regulation

Final Regulations for Key Largo Coral Reef Marine Sanctuary.

(a) *Description and Need:* The regulations are necessary to replace and update interim regulations to protect ecological, recreational, and aesthetic resources of Key Largo Coral Reef Marine Sanctury.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16, U.S.C. 14329f).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? Yes , no x , Unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appar in* **Federal Register:**

(i) In proposed form (Notice of Proposed Final Regulations in **Federal Register**—Summer 1980).

(ii) In final form (Notice of Final Rulemaking in **Federal Register**—Fall 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Publishing the revised regulations in proposed form for comment in the **Federal Register.**

(f) *Major Issues:*

1. Whether to allow the taking of tropical fish for educational and public display purposes.

2. Whether to prohibit wire trap fishing.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required? (yes , no x , unknown).

2. *Other Documents Available:* Interim Regulations (15 CFR Part 929).

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit

Office of Coastal Zone Management.

Title of Regulation

Regulations for Proposed Looe Key Marine Sanctuary

(a) *Description and Need:* The regulations will be necessary to protect the ecological, recreational, and aesthetic resources of Looe Key, Florida, if designated as a Marine Sanctuary.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16 U.S.C. 1432(f).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form (Notice of Proposed Regulations and Notice of Availability of DEIS in the **Federal Register**—May 1980).

(ii) In final form (Notice of Availability of FEIS and Notice of Final Rulemaking in the **Federal Register**—October 1980).

(e) *Tentative Plan for Obtaining Public Comments:* A public workshop was held in Big Pine Key, Florida in January 1978 regarding the proposed designation of Looe Key as a Marine Sanctuary. Future comment will be solicited by:

1. Publishing the Notice of Availability of the DEIS and the Notice of Proposed Rulemaking in the **Federal Register** and distributing the DEIS.

2. Holding a public hearing on the DEIS.

3. Publishing the Notice of Availability of the FEIS and the Notice of Final Rulemaking in the **Federal Register** and distributing the FEIS.

4. The Governor of Florida will be mailed copies of the DEIS, Notice of Proposed Rulemaking, and all other applicable documents.

(f) *Major Issues:*

1. Whether a marine sanctuary should be designated at Looe Key.

2. The size of any sanctuary designated.

3. The type and extent of the regulation of activities necessary within the sanctuary, in particular the regulation of activities impacting the coral reef.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required? (yes , no x , unknown).

2. *Other Documents Available:* Looe Key Resource Inventory

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit

Office of Coastal Zone Management.

Title of Regulation

Regulations for Proposed Monterey Bay Marine Sanctuary.

(a) *Description and Need:* The regulations will be necessary to protect ecological, recreational, and aesthetic resources of the waters of Monterey Bay and the adjacent coast if designated as a Marine Sanctuary.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16 U.S.C. 1432(f).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form (Notice of Proposed Regulations and Notice of Availability of DEIS in the **Federal Register**—Summer 1980).

(ii) In final form (Notice of Availability of FEIS and Notice of Final Rulemaking in the **Federal Register**—Fall 1980).

(e) *Tentative Plan for Obtaining Public Comments:* In April 1978 NOAA held a public workshop in Monterey, California. In December 1978 NOAA distributed an Issue Paper with regulatory options, and the California Coastal Commission held hearings on the Issue Paper in March and April 1979. Future comment will be solicited by:

1. Circulating preliminary draft chapters of the DEIS and holding public meetings in the affected areas.

2. Publishing the Notice of Availability of the DEIS and the Notice of Proposed Rulemaking in the **Federal Register** and distributing the DEIS.

3. Holding public hearings on the DEIS in Monterey area with extensive publicity through established mailing lists and the press.

4. Publishing the Notice of Availability of the FEIS and the Notice of Final Rulemaking in the **Federal Register** and distributing the FEIS.

5. Mailing to the Governor of California a copy of the FEIS, the Notice of Proposed Rulemaking, and all other applicable documents.

(f) *Major Issues:*

1. Whether a marine sanctuary should be designated in the waters of Monterey Bay and the adjacent coast.

2. The size of any sanctuary designated.

3. The type and extent of the regulation of activities necessary within the sanctuary.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required? (yes , no x , unknown).

2. *Other Documents Available: Issue Paper.*

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit

Office of Coastal Zone Management.

Title of Regulation

Federal Consistency with Approved Coastal Management Programs.

(a) *Description and Need:* The Secretary of Commerce has directed the National Oceanic and Atmospheric Administration to promulgate regulations defining the term "directly affecting" in Section 307 of the Coastal Zone Management Act, which applies to the consistency requirements for Federal activities including development projects. Clarification of the definition of this term is necessary in order to avoid future disagreements such as the one which arose between the State of California and the Department of the Interior concerning Outer Continental Shelf lease sales, which was mediated by the Department of Commerce.

(b) *Legal Authority:* Sections 307 and 317 of the Coastal Zone Management Act, as amended, 16 U.S.C. 1456, 1466.

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (Notice of proposed regulations—January 1981).

(ii) In final form (Notice of Final Rulemaking in **Federal Register**—June 1981).

(e) *Tentative Plan for Obtaining Public Comments:* Public notice will appear in the **Federal Register** soliciting public comments on the proposed regulations. The Office of Coastal Zone Management may hold one or more public meetings on the proposed regulations.

(f) *Major Issues:* The major issue is the need to clarify the meaning of the term "directly affecting" as it relates to the impacts of Outer Continental Shelf leasing and other Federal activities within the coastal zone of states with federally approved Coastal Management Programs.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) *Other Documents Available:* Previous Federal consistency regulations, 44 FR 37142, June 25, 1979. Department of Commerce Mediation record for the disagreement between the State of California and the Department of the Interior.

(h) *Agency Contact:* Jane P. Rogers, Chief of Policy, Office of Coastal Zone Management, National Oceanic and Atomospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634–4245.

DOC Operating Unit

Office of Coastal Zone Management.

Title of Regulation

Regulations for Proposed Point Reyes/Farallon Islands Marine Sanctuary.

(a) *Description and Need:* The regulations will be necessary to protect ecological, recreational, and aesthetic resources of the waters around Point Reyes and the Farallon Islands if designated as a Marine Sanctuary.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16 U.S.C. 1432(f).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

In final form (Notice of Availability of FEIS and Notice of Final Rulemaking in **Federal Register**—July 1980.

(e) *Tentative Plan for Obtaining Public Comments:* In April 1978 NOAA held a public workshop in Marin County, California to discuss the recommendation of this site. In December 1978 NOAA distributed an Issue Paper with regulatory options, and the California Coastal Commission held public hearings on the Issue Paper. The Notice of Availability of DEIS and the Notice of Proposed Rulemaking were published in the **Federal Register** on March 28 and March 31, 1980, respectively (45 FR 20546 and 20907). The DEIS was mailed to an extensive mailing list for review and comment. Future comments will be solicited by:

1. Holding public hearings on the DEIS in the Point Reyes area with extensive publicity through established mailing lists and the press.

2. Publishing the Notice of Availability of the FEIS and the Notice of Final Rulemaking in the **Federal Register** and distributing the FEIS.

3. Mailing to the Governor of California a copy of the FEIS, the Notice of Proposed Rulemaking, and all other applicable documents.

(f) *Major Issues:*

1. Whether a marine sanctuary should be designated in the waters around Point Reyes and the Farallon Islands.

2. The type and extent of the regulation of activities necessary within the sanctuary.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required? (yes , no x , unknown).

Issue Paper, DEIS.

2. *Other Documents Available:*

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit:

Office of Coastal Zone Management.

Title of Regulation

Regulations for Proposed Flower Garden Banks Marine Sanctuary.

(a) *Description and Need:* The regulations will be necessary to protect the ecological, recreational, and aesthetic resources of Flower Garden Banks if designated as a Marine Sanctuary.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16 U.S.C. 1432(f).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:** In final form (Notice of Availability of FEIS and Notice of Final Rulemaking in **Federal Register**—July 1980).

(e) *Tentative Plan for Obtaining Public Comments:*

The following has already been done to solicit comment:

1. A public workshop was held in Houston, Texas, in December 1977.

2. A White Paper discussing the site and soliciting comments was widely distributed in June 1978.

3. Two further meetings were held in Houston in July 1978, one with recreationists and one with offshore oil and gas companies.

4. The Notice of Availability of DEIS and the Notice of Proposed Rulemaking was published in the **Federal Register** on April 13, 1979 (44 FR 22061).

5. Two public hearings on the DEIS were held, one in Texas and one in Louisiana, with extensive publicity through established mailing lists and the press.

Future comment will be soliciated by:

1. Publishing the Notice of Availability of the FEIS and the Notice of Final Rulemaking in the **Federal Register** and distributing the FEIS.

2. Mailing to the Governors of Texas and Louisiana copies of the FEIS, the Notice of Proposed Rulemaking, and all other applicable documents.

(f) *Major Issues:*

1. Whether a marine sanctuary should be designated at Flower Garden Banks.

2. The type and extent of the regulation of activities necessary within the sanctuary, in particular the regulation of oil and gas development. The economic impact of oil and gas regulation is an issue that will be of particular interest.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required? (yes , no x , unknown).

2. *Other Documents Available:* White Paper, DEIS.

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit:

Office of Coastal Zone Management.

Title of Regulation

Regulations for Proposed Channel Islands Marine Sanctuary.

(a) *Description and Need:* The regulations will be necessary to protect ecological, recreational, and aesthetic resources of the waters around the Northern Channel Islands and Santa Barbara Island once designated as a Marine Sanctuary.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16 U.S.C. 1432(f).

(c) *Importance:*

(i) Is the regulation significant?
(yes x , no , unknown).

(ii) Is the regulation major?
(yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:** In final form (Notice of Availability of FEIS and Notice of Final Rulemaking in **Federal Register**—May 1980).

(e) *Tentative Plan for Obtaining Public Comments:* In April 1978 NOAA held a public workshop in Santa Barbara, California. In December 1978 NOAA distributed an Issue Paper with regulatory options, and the California Coastal Commission held hearings in Santa Barbara and San Francisco on the Issue Paper. In June 1979 NOAA sent out revised regulatory options and held public meetings in Ventura and Santa Barbara for comment. The DEIS was distributed in November 1979. The Notice of Proposed Rulemaking was published in the **Federal Register** on December 5, 1979 (44 FR 69970). Public hearings were held in January 1980. Future comments will be solicited by:

1. Publishing the Notice of Availability of the FEIS and the Notice of Final Rulemaking in the **Federal Register** and distributing the FEIS by mail.

2. Mailing to the Governor of California a copy of the FEIS, the Notice of Proposed Rulemaking, and all other applicable documents.

(f) *Major Issues:*

1. Whether a marine sanctuary should be designated in the waters around the Northern Channel Islands and Santa Barbara Island.

2. The type and extent of the regulation of activities necessary within the sanctuary to reduce unnecessary risks to marine life, in particular the regulation of oil and gas development. The economic impact of oil and gas regulation will be of particular attention.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required?
(yes , no x , unknown).

2. *Other Documents Available:* Issue Paper, DEIS, 1979 Regulatory Calendar Entry.

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit

Office of Coastal Zone Management.

Title of Regulation

Regulations for Proposed St. Thomas Marine Sanctuary, St. Thomas, Virgin Islands.

(a) *Description and Need:* The regulations will be necessary to protect the ecological, recreational, and aestetic resources of certain waters off St. Thomas if designated as a Marine Sanctuary.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16 U.S.C. 1432(f).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register**

(i) In proposed form (Notice of Proposed Regulations and Notice of Availability of DEIS in **Federal Register**—June 1980).

(ii) In final form (Notice of Availability of FEIS and Notice of Final Rulemaking in **Federal Register**—September 1980).

(e) *Tentative Plan for Obtaining Public Comments:* Meetings were held in May and June 1979 with Virgin Islands government officials. An Issue Paper discussing the site and soliciting comments was distributed in mid-July 1979. A public workshop was held in mid-August 1979. Future comments will be solicited by:

1. Publishing the Notice of Availability of the DEIS and the Notice of Proposed Rulemaking in the **Federal Register** and distributing the DEIS.

2. Holding a public hearing on the DEIS in St. Thomas with extensive publicity through established mailing lists and the press.

3. Publishing the Notice of Availability of the FEIS and the Notice of Final Rulemaking in the **Federal Register** and distributing the FEIS.

4. The Governor of the Virgin Islands will be mailed copies of the DEIS, Notice of Proposed Rulemaking and all other applicable documents.

(f) *Major Issues:*

1. Whether a marine sanctuary should be designated off St. Thomas.

2. The type and extent of the regulation of activities necessary within the sanctuary, in particular the regulation of boat anchoring and recreational diving.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required? (yes , no x , unknown).

2. *Other Documents Available:* Issue Paper.

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit

Office of Coastal Zone Management.

Title of Regulation

Regulations for Proposed Gray's Reef Marine Sanctuary.

(a) *Description and Need:* The regulations will be necessary to protect the ecological, recreational, and aesthetic resources of Gray's Reef, Georgia if designated as a Marine Sanctuary.

(b) *Legal Authority:* Section 302(f), Title III of the Marine Protection Research and Sanctuaries Act, 16 U.S.C. 1432(f).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register**

(i) In proposed form (Notice of Proposed Regulations and Notice of Availability of DEIS in **Federal Register**—May 1980).

(ii) In final form (Notice of Availability of FEIS and Notice of Final Rulemaking in **Federal Register**—September 1980).

(e) *Tentative Plan for Obtaining Public Comments:* A letter requesting consultation was sent in July 1979. An Issue Paper discussing the site and soliciting comments was widely distributed in October 1979. Public workshops were held in Georgia in November 1979 regarding the proposed designation of Gray's Reef as a Marine Sanctuary. Additional comments will be solicited by:

1. Publishing the Notice of Availability of the DEIS and the Notice of Proposed Rulemaking in the **Federal Register** and distributing the DEIS.

2. Holding a public hearing on the DEIS.

3. Publishing the Notice of Availability of the FEIS and the Notice of Final Rulemaking in the **Federal Register** and distributing the FEIS to an extensive mailing list.

4. The Governor of Georgia will be mailed copies of the DEIS, Notice of Proposed Rulemaking, and all other applicable documents.

(f) *Major Issues:*

1. Whether a marine sanctuary should be designated at Gray's Reef.

2. The type and extent of the regulation of activities necessary within the sactuary, in particular the regulation of activities impacting the reef.

(g) *Documents Available to Interested Parties:*

1. Regulatory Analysis Required? (yes , no x , unknown).

2. *Other Documents Available:* Issue Paper.

(h) *Agency Contact:* Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, Washington, D.C. 20235, Tel. (202) 634–4236.

DOC Operating Unit:

Office of Product Standards Policy.

Title of Regulation

Procedures for Listing and Delisting Voluntary Standards Bodies and Their Standards-Developing Groups.

(a) *Description and Need:* These procedures provide a mechanism by which the Secretary of Commerce may "list" voluntary standards bodies and their standards-developing groups which certify that they adhere to the due process and other basic criteria specified in OMB Circular A–119 of January 17, 1980. Such "listing" qualifies them for Federal executive agency support and participation (including financial, administrative, technical, joint planning). Federal agencies cannot support or participate in non-listed bodies or groups. Accordingly, these procedures promote cooperation between Federal agencies and voluntary standards bodies, encourage the efficient use of Federal agency resources in standards-developing activities, and encourage voluntary standards bodies to conduct their standards activities openly and with an opportunity for any interested person to participate.

(b) *Legal Authority:* 41 U.S.C. 405, as implemented by Section 7 of OMB Circular A–119, issued January 17, 1980, (45 FR 4326, January 21, 1980). This section directs the Secretary of Commerce to establish and operate these procedures.

(c) *Importance:*

(i) Is the regulation significant? Yes.

(ii) Is the regulation major? No.

(d) *Timetable: Anticipated Dates Proposal Will Appear in* **Federal Register:**

(i) In proposed form: May 1, 1980.

(ii) In final form: September 1, 1980.

(e) *Tentative Plan for Obtaining Public Comments:* Meetings were arranged over a three-week period in March 1980 with representatives of approximately 35 organizations representing standards developing and coordinating organizations, industry, consumer groups, and labor. These informal meetings were designed to provide the drafters of the procedures with more information regarding the voluntary standards-developing process and the concerns of the parties affected, and especially to make those drafters aware of any major, unintended problems which those procedures conceivably might cause. The proposed procedures will probably provide a 60-day period for public comment. All comments received will be analyzed carefully prior to the issuance of the final procedures.

(f) *Major Issues:* There are no major issues.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? No.

(2) *Other Documents Available: OMB* Circular A–119, issued January 17, 1980 (45 FR 4326, January 21, 1980).

(h) *Agency Contact:* Howard I. Forman, Deputy Assistant Secretary of Commerce for Product Standards Policy, Washington, D.C. 20230, Tel. (202) 377–3221.

DOC Operating Unit:

Patent and Trademark Office (PTO).

Title of Regulation

Ex parte prosecution of trademark applications, inter partes proceedings before the Trademark Trial and Appeal Board, petitions to the Commissioner and post-registration requirements (37 CFR 2.20, 2,27, 2.63, 2.65, 2.81, 2.88, 2.94–2.135, 2.142, 2.146, 2.165, 2.173, 2.184 and 2.186).

(a) *Description and Need:* PTO is considering a revision of its regulations relating to the ex parte prosecution of trademark applications, inter partes proceedings before the Trademark Trial and Appeal Board, Petitions to the Commissioner and post-registration requirements, currently published in Title 37, *Code of Federal Regulations,* Part 2, which have been found on review to need clarification, updating and expansion.

(b) *Legal Authority:* Pub. L. 489, 79th Cong., 2d Sess., Ch. 540, Sec. 41, as amended (15 U.S.C. 1123, as amended).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register**

(i) In proposed form (September 1980).

(ii) In final form (May 1981).

(e) *Tentative Plan for Obtaining Public Comments:* PTO will publish its proposed revision in the **Federal Register** and the *Official Gazette* and invite the public to submit comments. A public hearing will be held.

(f) *Major Issues:* There are no major issues.

(g) *Documents Available to Interested Parties:* (i) Regulatory analysis required? (yes , no x , unknown).

(ii) *Other Documents Available:* None

(h) *Agency Contact:* David J. Kera, Member, Trademark Trial and Appeal Board, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3551.

DOC Operating Unit:

Patent and Trademark Office (PTO).

Title of Regulation

Secrecy of certain inventions and licenses to file applications in foreign countries (37 CFR Part 5).

(a) *Description and Need:* PTO has reviewed these regulations and found that they should be revised to clarify procedures and provide up-to-date information relating to these procedures.

(b) *Legal Authority:* 35 U.S.C. 6 and 181–188, as amended.

(c) *Importance:*

(i) Is the regulation significant? (yes , no , unknown).

(ii) Is the regulation major? (yes , no , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (August 1980).

(ii) In final form (January 1981).

(e) *Tentative Plan for Obtaining Public Comments:* PTO will publish its proposed revision in the **Federal Register** and the *Official Gazette* and invite the public to submit comments. No public hearing will be held.

(f) *Major Issues:* There are no major issues.

(g) *Documents Available to Interested Parties:*

(1) Regulatory analysis required? (yes , no , unknown).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* C. D. Quarforth, Director, Special Laws Administration Group, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–2877.

DOC Operating Unit

Patent and Trademark Office (PTO).

Title of Regulation

Requests for identifiable records (37 CFR 1.15).

(a) *Description and Need:* PTO has reviewed and found that it needs to update its regulation, currently published in Title 37, *Code of Federal Regulations,* Part 1, relating to requests

by members of the public for records not disclosed as part of the regular informational activity of the PTO and not otherwise dealt with in Part 1.

(b) *Legal Authority:* 35 U.S.C. 6, as amended.

(c) *Importance:*

(i) Is the regulation significant? (yes , no , unknown).

(ii) Is the regulation major? (yes , no , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (August 1980).

(ii) In final form (January 1981).

(e) *Tentative Plan for Obtaining Public Comments:* PTO will publish its proposed revision in the **Federal Register** and the *Official Gazette* and invite the public to submit comments. No public hearing will be held.

(f) *Major Issues:* There are no major issues.

(g) *Documents Available to Interested Parties:*

(1) Regulatory analysis required? (yes , no , unknown).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* John W. Dewhirst, Associate Solicitor, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3551.

DOC Operating Unit:

Patent and Trademark Office (PTO).

Title of Regulation:

Compulsory counterclaims in trademark opposition and cancellation proceedings (37 CFR 2.106 and 2.114).

(a) *Description and Need:* PTO is considering a revision of its regulations relating to counterclaims in trademark cases, currently published in Title 37, *Code of Federal Regulations,* Part 2. Defendants who could counterclaim to cancel a registration pleaded by the plaintiff in trademark opposition and cancellation cases are not required by current regulations to do so. The revision under consideration would require the defendant to do so. The primary benefit of the revision will be to avoid piecemeal litigation and settle all issues between the parties at one time with a minimum expenditure of time and effort by the parties and the PTO.

(b) *Legal Authority:* Pub. L. 489, 79th Cong., 2d Sess., Ch. 540, Sec. 41, as amended (15 U.S.C. 1123, as amended).

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable:* Anticipated Dates Proposal Will Appear in the **Federal Register:**

(i) In proposed form (April 16, 1979).

(ii) In final form (July 1980).

(e) *Tentative Plan for Obtaining Public Comments:* PTO published the proposed revision in the **Federal Register** (44 *FR* 22478, April 16, 1979) and the *Official Gazette* for comment.

(f) *Major Issues:* The major issue involved in the proposed action is whether a defendant would, in certain circumstances be precluded from filing a concurrent use application if (s)he is required to counterclaim for cancellation of a registration pleaded by the plaintiff.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) *Other Documents Available:* A file of the comments the PTO has received and a summary and analysis of the comments will be available for examination by interested parties.

(h) *Agency Contact:* David J. Kera, Member, Trademark Trial and Appeal Board, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3551.

DOC Operating Unit:

Patent and Trademark Office (PTO)

Title of Regulation:

Patent application oath or declaration requirements. (37 CFR 1.65, 3.18 and 3.18a).

(a) *Description and Need:* PTO proposes to revise its regulations relating to the information patent applicants are required to provide in their oaths or declarations in patent applications, currently published in Title 37, *Code of Federal Regulations,* Part 1. PTO proposes to revise these regulations to require that an oath or declaration speaks as of the filing date of the application if the application is a continuation-in-part. This requirement will provide information that court decisions indicate should be considered by the PTO in examining patent applications.

(b) *Legal Authority:* 35 U.S.C. 6, as amended.

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (published 43 FR 55417, November 28, 1978; revised proposal August 1980).

(ii) In final form (February 1981).

(e) *Tentative Plan for Obtaining Public Comments:* PTO published a proposed revision in the **Federal Register** for comment and held a public hearing on February 7, 1979. In view of objections to one part of the proposed revision, that part is being deleted. A revised proposal will be published for comment since the original proposal was inadvertently not published in the *Official Gazette.* No further hearing will be held.

(f) *Major Issues:* There are no major issues.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) *Other Documents Available:* A file of the written comments received by the PTO, a transcript of the hearing and a summary and analysis of comments will be available for examination by interested parties.

(h) *Agency Contact:* Louis O. Maassel, Editor of the Manual of Patent Examining Procedure, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3070.

DOC Operating Unit:

Patent and Trademark Office (PTO)

Title of Regulation

Professional conduct of and advertising by persons registered to practice before the PTO. (37 CFR 1.344, 1.345, 2.13 and 2.14).

(a) *Description and Need:* PTO is considering a revision of its regulations prescribing the standards of conduct and advertising of persons registered to practice before the PTO, currently published in Title 37, *Code of Federal Regulations,* Parts 1 and 2. PTO proposes to revise these regulations to make reference to the current version of the American Bar Association's "Code of Professional Responsibility," an older version being referred to in the current regulations, and to make the standards for advertising consistent with recent decisions of the Supreme Court.

(b) *Legal Authority:* 35 U.S.C. 6 and 31, as amended.

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (July 1980).

(ii) In final form (December 1980).

(e) *Tentative Plan for Obtaining Public Comments:* PTO will publish the proposed revision of these regulations in

the **Federal Register** and the *Official Gazette* for coment. A public hearing will also be held.

(f) *Major Issues:* The major issue is whether the American Bar Association's "Code of Professional Responsibility" should continue to be the PTO's standard of conduct.

(g) *Documents Available to Interested Parties:* (1) Regulatory Analysis Required? (yes , no x , unknown).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* Harry I. Moatz, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–2238.

DOC Operating Unit:

Patent and Trademark Office (PTO).

Title of Regulation:

Prosecution of patent applications after final rejection.

(a) *Description and Need:* PTO is considering a revision of its regulations currently published in Title 37, *Code of Federal Regulations,* Part 1, to allow the prosecution of patent applications to continue after a final rejection if an additional fee is paid. The revision will benefit patent applicants by making it unnecessary for them to file a complete new application in order to continue prosecution after a final rejection in the original application. The PTO will benefit from a saving in file space and a reduction in handling and recordkeeping costs.

(b) *Legal Authority:* 35 U.S.C. 6, as amended.

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (August, 1980).

(ii) In final form (February, 1981).

(e) *Tentative Plan for Obtaining Public Comments:* PTO will publish its proposed revision in the **Federal Register** and the *Official Gazette* for comment. A public hearing may be held.

(f) *Major Issues:* The major issue is whether such revision is within the Commissioner's rulemaking authority or will require legislative authorization.

(g) *Documents Available to Interested Parties:* (1) Regulatory Analysis Required? (yes , no x , unknown).

(2) *Other Documents Available:* None.

(h) *Agency Contact:* Louis O. Maassel, Editor of the Manual of Patent Examining Procedure, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3070.

DOC Operating Unit:

Patent and Trademark Office (PTO).

Title of Regulation:

Deposit of computer program listings, (37 CFR 1.21, 1.77 and 1.96).

(a) *Description and Need:* PTO proposes to revise its regulations relating to patent application disclosures, currently published in Title 37, *Code of Federal Regulations,* Part 1, to allow lengthy computer program listings to be deposited in the PTO and incorporated by reference in the patent application.

Under current regulations, lengthy computer program listings must be reproduced in the specification or the drawings as integral parts of a patent application. The proposed revision will benefit patent applicants by relieving them of the burden and expense of reproducing lengthy computer program listings.

The PTO and patent applicants will both benefit from a reduction in the cost of printing patents which do not include a lengthy computer program listing.

(b) *Legal Authority:* 35 U.S.C. 6, as amended.

(c) *Importance:*

(i) is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (June 15, 1977).

(ii) In final form (August 1980).

(e) *Tentative Plan for Obtaining Public Comments:* PTO publish the proposed revision in the **Federal Register** (42 FR 30522, June 15, 1977) for comment and held a public hearing.

(f) *Major Isues:* There are no major issues.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) *Other Documents Available:* A file of the written comments received by the PTO, a summary and analysis of the comments and a transcript of the hearing will be available for examination by interested parties.

(h) *Agency Contact:* Louis O. Maassel, Editor of the Manual of Patent Examining Procedure, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3070. J. Kent Hughes, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–0410.

DOC Operating Unit

Patent and Trademark Office (PTO).

Title of Regulation

Amending patents and patent applications to correct inventorship. (37 CFR 1.45 and 1.324.)

(a) *Description and Need:* PTO is considering a revision of its regulations, currently published in Title 37, *Code of Federal Regulations,* Part 1, to permit the substitution of one sole inventor for another sole inventor in patent applications under appropriate circumstances. The revision is needed in order to remove restrictions against this type of substitution under the circumstances existing in *Stoddard* v. *Dann,* 564 F. 2d 556, 195 USPQ 97 (D.C. Cir. 1977).

(b) *Legal Authority:* 35 U.S.C. 6, as amended.

(c) *Importance:*

(i) Is the regulation significant? (yes x , no , unknown).

(ii) Is the regulation major? (yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (June 1980).

(ii) In final form (February 1981).

(e) *Tentative Plan for Obtaining Public Comments:* PTO will publish its proposed revision of the regulations in the **Federal Register** and the *Official Gazette* and invite the public to submit comments. A public hearing will be held.

(f) *Major Issues:* The major issue is whether the PTO should authorize substitution of one sole inventor for another under the circumstances in *Stoddard v. Dunn.*

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required? (yes , no x , unknown).

(2) Other Documents Available: None.

(h) *Agency Contact:* Louis O. Maassel, Editor of the Manual of Patent Examining Procedure, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3070.

DOC Operating Unit

Patent and Trademark Office (PTO)

Title of Regulation

Interferences; motions and printed briefs (37 CFR 1.225, 1.231, 1.253, 1.254 and 1.258).

(a) *Description and Need:* PTO is considering a revision of its regulations, currently published in Title 37, *Code of Federal Regulations,* Part 1, relating to motions and printed briefs which rival inventors may file in interference proceedings conducted to determine who was the first inventor.

Recent experience has demonstrated a need to make it clear that after an interference has been redeclared, a motion is not permitted if it could have been filed earlier during the motion period and been considered by the primary examiner. A recent decision of the United States Court of Customs and Patent Appeals indicates a need to state specifically that an issue of benefit raised by motion is not preserved for later consideration at final hearing unless the motion was transmitted to, and decided by, the primary examiner. The same Court has also made certain amendments in its rule governing the acceptance of printed briefs which should be reflected in the PTO's comparable regulation governing the acceptance of printed briefs.

(b) *Legal Authority:* 35 U.S.C. 6, as amended.

(c) *Importance:*

(i) Is the regulation significant?

(yes x , no , unknown).

(ii) Is the regulation major?

(yes , no x , unknown).

(d) *Timetable: Anticipated Dates Proposal Will Appear in the* **Federal Register:**

(i) In proposed form (August 1980).

(ii) In final form (January 1981).

(e) *Tentative Plan for Obtaining Public Comments:* PTO will publish its proposed revision of the regulations in the **Federal Register** and the *Official Gazette* and invite the public to submit comments. No public hearing will be held.

(f) *Major Issues:* There are no major issues.

(g) *Documents Available to Interested Parties:*

(1) Regulatory Analysis Required?

(yes , no x , unknown).

(2) Other Documents Available: None.

(h) *Agency Contact:* Ian A. Calvert, Chairman, Board of Patent Interferences, Commissioner of Patents and Trademarks, Washington, D.C. 20231, Tel. (703) 557–3625.

[FR Doc. 80–17038 Filed 6–4–80; 8:45 am]

BILLING CODE 3510–BT–M

federal register

Thursday
June 5, 1980

Part III

Department of Health and Human Services

Health Care Financing Administration

Medicare and Medicaid Programs; Schedule of Limits on Home Health Agency Costs Per Visit

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare and Medicaid Programs; Schedule of Limits on Home Health Agency Costs Per Visit

AGENCY: Health Care Financing Administration (HCFA), HHS.
ACTION: Final notice.

SUMMARY: This Notice sets forth a schedule of limits on home health agency (HHA) costs that may be reimbursed under the Medicare program. Limits are expressed as costs per visit. Although separate limits are established by type of service, limits are applied to each home health agency as a single "aggregate" limit, based on the agency's number of visits for each type of service. This is an annual update of the schedule and replaces the schedule published in the **Federal Register** on June 1, 1979 (44 FR 31814). It applies to the entire cost reporting period of a HHA whose cost reporting period begins on or after July 1, 1980.

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION, CONTACT: Carl Slutter, 301–594–9344.

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) authorizes the Secretary to set prospective limits on allowable costs incurred by a provider of services that will be reimbursed under Medicare, based on estimates of the costs necessary in the efficient delivery of needed health services. The limits may be applied to direct overall costs or to the costs incurred for specific items or services furnished by the provider. This provision of the statute is implemented by regulations at 42 CFR 405.460.

Under this authority, initial limits on home health agency per visit costs by type of service were published June 1, 1979, and became effective July 1, 1979. These limits were based on: (1) a classification system of HHAs according to their location within a Standard Metropolitan Statistical Area (SMSA), a New England County Metropolitan Area (NECMA) or a non-SMSA; (2) limits set at the 80th percentile; and (3) an inflation factor based upon estimates by the Office of Financial and Actuarial Analysis, HCFA, of increases in the average per visit interim reimbursement and the application of a formula established by the Council on Wage and Price Stability. The initial limits were applied on an aggregate basis, i.e., the Medicare allowable costs for all services are totaled and compared to an overall limit computed for each agency by multiplying the number of Medicare visits for each service by the respective per visit cost limit.

Summary of Changes

A proposed revised schedule of limits on home health per visit costs was published in the **Federal Register** on February 15, 1980 (45 FR 10450). It included several changes from the previous schedule of limits that was effective July 1, 1979 including provisions for:

(a) a classification system based on whether a HHA is provider-based or free-standing; (b) a market basket index developed from the price of goods and services purchased by HHAs; (c) a wage index developed from hospital wages; (d) a cost of living adjustment for Alaska and Hawaii; and (e) limits applied by type of service; and (f) limits set at the 80th percentile.

Five of these proposed changes are retained in this final notice. The proposed change we are not adopting is the application of separate limits by type of service. Thus, this new schedule of limits on home health agency costs provides for:

1. A classification system based on whether a HHA is provider-based or free-standing. (A "provider-based" HHA is one that participates in Medicare as part of a hospital, skilled nursing facility, or rehabilitation facility.) In addition, agencies are classified according to whether the HHA is located within a SMSA, a NECMA, or a non-SMSA.

2. A market basket index, developed from the price of goods and services purchased by HHAs. Its purpose is to account for the impact of changing wage and price levels on HHA costs. This index is used to adjust HHA cost data from July 1, 1980 to the midpoint of the cost reporting periods to which the limits will apply.

3. A wage index, developed from hospital wages, used to adjust the wage component of the limits to reflect differing wage levels among the areas in which HHAs are located. The wage and salary portion of the market basket index (64.99 percent), plus a factor representing the wage portion of contract services (4.79 percent), is used to determine the wage component (69.78 percent) for all group limits.

4. A cost of living adjustment applied to the non-labor portion of the limit for Alaska and Hawaii.

5. Limits set at the 80th percentile.

6. Application of the limits in the aggregate after the provider's actual costs are reduced by the amount of individual items of cost that are found to be excessive under Medicare principles of provider reimbursement and of reimbursable costs that are not included in the limitation amount.

Discussion of Major Comments

Comments and suggestions concerning the proposed schedule were received from a number of national and State organizations, home health agencies, and individuals including the American Hospital Association, National League for Nursing, and National Association of Home Health Agencies. Our responses to the most significant comments follow.

Establishment of Separate Limits for Provider-Based and Free-Standing Agencies

1. Most commenters objected to the adoption of separate limits for provider-based and free-standing agencies. Representatives of free-standing agencies objected to the separate category for hospital-based agencies claiming that separate limits would threaten the continuance of their operation by enabling more hospitals to enter the market and to compete with free-standing agencies in the provision of home health services. Representatives of provider-based agencies favored separate limits because those limits take into account the influence of required Medicare hospital cost allocation on the hospital-based agency.

As explained in the proposed notice, separate limits for provider-based agencies are not intended to jeopardize free-standing agencies; but rather to assure that the limits will not cause an arbitrary disallowance of costs among existing provider-based agencies, solely as a result of a provider's compliance with Medicare rules of cost reporting.

As a result of experience in implementing the initial schedule of limits on home health agency costs, we analyzed cost reports of provider-based HHAs to determine the effect of cost allocation on costs of provider-based agencies. From this analysis, we determined nationwide that approximately 26 percent of the total cost of hospital-based agencies represent costs allocated from the parent hospital. Program instructions require most providers to use a step-down method of cost finding. This methodology results in allocation of both direct and indirect costs from general service cost centers to those revenue-producing cost centers that receive services. Provider-based HHAs

must develop home care costs in their step-down or other cost finding procedures and report them as a separate cost center for the home health care department on the hospital/skilled nursing facility cost reporting forms. These accumulated home health center costs including overhead allocations from the parent institution, are then transferred to the required home health reporting form. As a result of this transfer, the hospital-based agency reports a share of the costs from the hospital's overhead accounts not directly commensurate with costs incurred by free-standing agencies. Considering these circumstances, cost limits applied equally to provider-based and free-standing agencies would contain an automatic presumption that the provider-based agencies are more likely to be inefficient regardless of their performance, because they would not recognize the transfer of costs from the provider institution.

2. A number of commenters suggested revising the method used to determine costs in a provider-based agency rather than establishing separate limits for provider-based agencies.

In order to develop cost limits, we have needed to rely on existing cost data that reflects the cost-finding methodology now in effect. Although methods for determining cost can be changed, we do not believe a change in cost finding could be implemented retroactively. Therefore, we do not believe this suggestion represents an immediate alternative to separate recognition of provider-based home health agencies. However, we do plan to study the existing cost reporting/cost finding requirements for hospitals to determine if allocation procedures should be changed in the future.

In granting authority to establish Medicare cost limits, the Congress recognized that costs could vary among institutions as a result of identifiable factors not directly related to actual inefficiency or excessive service. Committee reports accompanying the legislation indicated that limits would be applied to appropriate classes of providers. As indicated in the discussion of comment 1, we believe separate limits are in appropriate means of recognizing the result of cost allocation, a circumstance not necessarily indicative of inefficiency or excessive service.

Although we believe that establishing separate limits as a means of recognizing overhead costs allocation of provider-based agencies is reasonable based on our analysis of Medicare cost data, we will continue to investigate all identifiable factors that may contribute to higher costs in provider-based agencies. We will address any findings and refinements in an updated schedule of limits. In the interim, we will not penalize the provider-based agencies and continue with combined limits.

3. Some commenters also suggested that the exceptions process be used to acknowledge provider-based agencies overhead allocation instead of separate limits. (42 CFR 405.460(f)(2) permits HCFA to grant an exception to the limits if the HHA can show that it incurred higher costs due to extraordinary circumstances beyond its control.) The respondents contended that higher limits for provider-based agencies may lead to rapid proliferation and duplication of these agencies.

We view the exceptions process as a system designed for limited use in dealing with isolated or unpredictable circumstances. In adition, we do not believe the provider should be subject to a burden of proof (as required in the exceptions process) as a result of following accepted methods of cost finding. The limits as set forth reflect a modification of an evolving system. Our experience with this system may produce additional factors warranting consideration. We are continuing to evaluate the factors contributing to differences in the costs of the provider-based and free-standing agencies, and as information becomes available refinements may be made. Therefore, we do not believe that the exceptions process should be the means for recognizing hospital overhead allocation.

Market Basket Index

1. Most commenters approved the introduction of an HHA market basket as a measure of inflation; however, some responses indicated a basic misunderstanding of the background and formulation of the market basket. Most of the commenters objecting to the market basket index were concerned about using the hospital wage index rather than an index developed specifically for HHA employees. Commenters were equally divided in suggesting that hospital wages and benefits are either too low or high a measurement for predicting HHA rates of inflation. Additionally, several commenters felt that benefits/wages in large hospitals are frequently less costly than in smaller agencies because the individual cost decreases as the number of employees increases.

The initial schedule of home health limits used actuarial projection of changes in HHA interim reimbursement rates for inflation adjustments. We believe that the actual increase in a market basket of goods and services specifically related to the particular industry is a more accurate measure of inflation than any actuarial projection. Through our analysis of expenditures of HHAs, we identified nine major categories of cost and used these to develop the market basket published in the proposed notice. We identified the nine categories through analysis of Medicare cost reports and other available home health industry surveys. The categories and the relative weights reflect characteristics peculiar to the home health industry. The price variables are econometric measures that are related to the cost category and produced broadly and frequently enough to support actual inflation increases. For further explanatory purposes, we have included an updated market basket index.

Home Health Agency Input "Price" Index: Cost Categories, Weights, Forecasters and "Price" Variable Used

Cost category	Relative [1] weight 1978	Forecaster	"Price" variable used
Wages and Salaries	64.99		A. *Historical*—Payroll expenses per full-time equivalent worker employed by community hospitals. Source: American Hospital Association Panel Survey.
		DRI-CFS	B. *Projections*—For the period calendar year 1979 average hourly earnings of production and nonsupervisory workers on private nonagricultural payrolls, service industry. For the period calendar year 1980 and thereafter—Percentage change in average hourly earnings of hospital industry workers (sic 806). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment and Earnings*, Table C-2.
Employee Benefits	8.61		A. *Historical*—Employee benefits per full-time equivalent worker employed by community hospitals. Source: American Hospital Association, National Hospital Panel Survey.
		DRI-MM	B. *Projection*—Supplements to wages and salaries per worker in nonagricultural establishments. Source: For supplements to wages and salaries—U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business*, (monthly) Table 7 (1.13) July issue has detailed components. For total employment—U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment and Earnings*, Table B-4.
Transportation	4.73	DRI-CFS	Transportation component of the consumer price index, all urban.

Home Health Agency Input "Price" Index: Cost Categories, Weights, Forecasters and "Price" Variable Used—Continued

Cost category	Relative [1] weight 1978	Forecaster	"Price" variable used
			Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 2.
Office costs	2.78	DRI-MM	Services component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 2.
Rent	1.30		Residential rent component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
		DRI-MM, HCFA-DHEW	B. *Projection*—Historical relationship of rental component of consumer price index, all urban, for 1977 and 1978 to all item consumer price index, all urban, projected to subsequent years.
Nonrental space occupancy costs	1.16	DRI-MM	Composite fuel and other Utilities index. Source: DHEW-HCFA, Community Hospital Input Price Index.
Medical nursing supplies and rental equipment	2.69		A. *Historical*—1978: Medical equipment and supplies component of the consumer price index. Prior to 1978: commodities component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table.
		DRI-CFS	B. *Projection*—Medical commodities component of the consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Miscellaneous	6.95	DRI-MM	Consumer price index for all items, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Contract services	6.87	DHEW-HCFA	Weighted mean of price variables for items 1 through 8 above.
Total	100.00		

[1] Relative cost weights for 1978 were derived from special studies by the Health Care Financing Administration using primarily data from the Council of Home Health Agencies and Community Health Services and data from HCFA Medicare cost reports. A laspeyres price index was constructed using weights and "price" variables indicated in this table. In calendar 1978 each "price" variable has an index value of 100.00. The relative cost weights change each period in accordance with "price" changes for each "price" variable. Cost categories with relatively higher "price" increases get relatively higher cost weights and vice versa.

Sources: DRI-MM refers to Data Resources, Inc., Macro Model; 29 Hartwell Ave., Lexington, Massachusetts 02173, Control 042379. DRI-CFS refers to Data Resources, Inc., Cost Forecasting Service, 1750 K St. NW., Washington, D.C. 20006, CFS-792.

Wage Index

1. Many commenters criticized the use of a wage index based on hospital data from the Bureau of Labor Statistics (BLS).

Our position is that data from currently available sources would not permit further breakdowns within occupational categories or computation of an index specifically related to salaries in the home health industry. Therefore, in response to suggestions following implementation of the initial schedule of limits that an adjustment should be made for area wage differentials, we adopted the hospital wage index as the best available proxy.

2. Several commenters also questioned the validity of the wage index, suggesting that it ignores the impact of unionization on salary ranges of both union and non-union agencies. Other commenters suggested that the wage index does not recognize area-wage differences.

We have previously considered the contention that union contracts impact wages and benefits. We continue to believe that labor contracts reflect not only union demands, but also management's awareness of the many methods of tying labor contracts to the cost of living adjustment and of management's negotiating ability. The updated wage index, which is applied to the portion of the cost limit attributable to wages, is based on the most current data available and recognizes differences in area wages. The impact of wages escalating as a result of union contracts now being negotiated will be reflected in future BLS data.

3. A few commenters suggested development of a wage index based on salary data from Medicare cost reports.

The employment statistics needed to develop a wage index are not available from the cost reports.

A wage index specifically related to HHA experience may eventually become possible through our continued evaluation of HHA data or development of additional sources of wage and salary information. The wage index published in the proposed notice was based on data for 1977, which were the latest available data. We stated in the proposed notice that, should more current data become available, we would update the index. In the interim, data for 1978 have become available; consequently, the wage index published in this notice utilizes 1978 data and changes in the basic service limits reflect use of these more current data.

It should be noted that the basic service limits published in this notice do not represent a change in the level at which the limits are set. The basic service limits represent the 80th percentile of costs in each provider group after deflation for the effect of wage differentials. These basic limit amounts are adjusted by the appropriate area wage index prior to application. The wage indices based on 1978 wage data differ from those published in the proposed notice (usually the 1978 index value is greater). This difference in the wage indices accounts for the change in the basic service limits contained in this schedule.

Constraints inherent in the use of the BLS data prevented derivation of a wage index applicable to Puerto Rico, and none is included in the list of indices. However, a wage-index value of 1 will be assumed for applying the limits in Puerto Rico, effectively making no adjustment relative to the national average.

Other Comments

1. We received several comments that the proposed notice did not contain actual percentages of the cost of living adjustment for HHAs located in Alaska and Hawaii.

The proposed limits contained a provision to increase the limits that apply to Alaska and Hawaii by the amount of the Office of Personnel Management cost of living differential for those States. Analysis of the impact of the limits on these States has convinced us that the provision should be retained; however, through further analysis, we have determined that this adjustment should apply only to the non-wage portion of the limit. The wage portion of the limit is adjusted by the wage index which reflects differing wage levels among the areas in which HHAs are located; consequently, if the cost of living adjustment is applied to the total limit, the labor portion would receive a second adjustment of the same cost differential. To prevent any disadvantage to HHAs located in Alaska and Hawaii, we will contine to adjust the non-wage portion of the limit by the cost of living adjustment. The areas affected by the differential are surveyed and updated yearly, therefore, the rate may be adjusted up or down. The figures in the footnote to Table II reflect the most recently determined cost of living differential.

2. Several commenters indicated that setting limits by type of service represented an improvement to the

aggregate methodology; however, many questioned the timeliness of establishing per visit costs by type of service, in view of variations in curretn cost reporting methods. These commenters suggested that the aggregate methodology be continued until the single method of cost finding and apportionment is implemented and sufficient data are available upon which to set valid per visit limits by type of service.

We agree that the aggregate methodology should be continued at the present time. However, we believe this method allows providers to offset some cost of inefficient delivery of services and it is our objective to move to a per discipline limit as soon as possible. Waiting until the single method of cost finding and cost apportionment is implemented and data are available is one method, as pointed out in comments, but we will be studying the issue carefully to see if a conversion to a per discipline limit can be accomplished earlier. The Department intends to publish a final rule requiring a uniform method of cost-finding and cost-apportionment to be effective for cost reporting periods beginning on or after October 1, 1980 (see notice of proposed rulemaking, 45 FR 10382, February 15, 1980).

3. Some comments were received that questioned the statement contained in the proposed notice that methods of reimbursement for HHAs under Medicaid are determined by the individual State agencies and that, therefore, Medicare limits do not apply to payment rates for HHA services under Medicaid. These commenters questioned this statement in relation to HCFA Action Transmittal 79–59, which stated the proposed schedule of HHA limits would also apply to Medicaid payments for these services.

We do not have specific regulatory authority for applying Medicare cost limits to Medicaid payments to HHAs. Because of differing reimbursement methods and the absence of clear regulatory authority to apply Medicare cost limits to HHA services under Medicaid, Action Transmittal 79–59 was rescinded by Action Transmittal 80–16 on March 18, 1980. Therefore, Medicare cost limits for HHAs will apply only to Medicaid payments in those States that choose to incorporate the limits into their plans for payment for home health services.

4. Several commenters requested further clarification of the definition of a provider-based agency under the cost limits.

An HHA is determined to be hospital-based when it is an integral and subordinate part of a hospital and is operated with other departments of the hospital under common licensure, governance, and professional supervision; all services of both the hospital and the HHA are fully integrated. Specifically, an HHA is hospital-based if the following conditions are met:

The HHA and hospital are subject to the bylaws and operating decisions of a common governing board.

The HHA and hospital are financially integrated as evidenced by the cost report, which must reflect allocation of hospital overhead to the HHA through the required step-down methodology, and by common billing for all services of both facilities. (See § 2326 of the Provider Reimbursement Manual, HIM 15–1.)

The existence of either (1) an agreement between an HHA and a hospital with respect to the referral of patients or (2) a shared service arrangement (a common arrangement recognized by both Medicare and Medicaid) does not mean an HHA is hospital-based and is not considered in determining the status of the facility.

5. Commenters requested further clarification concerning parent agency/subunit relationship, manner of filing cost reports, factors determining applicable cost caps, and characteristics of branch offices.

State health department home health agencies with subunits are permitted to file a single combined cost report under the 7800 series of provider numbers. For these official agencies, location of the parent agency determines the applicable cost cap. A home health agency operating as a branch office (see 42 CFR 405.1202) of a parent agency, although located in a different area, is still classified according to the geographic location of the parent office. Branch offices are included in the cost report prepared by the parent agency since branch offices by definition are dependent on the parent agency for administrative, supervisory and other services and therefore are not independently certified.

Except as noted above, subunits of private agencies and providers in a chain organization, and other groups of providers, operating informally under a shared service agreement, must file separate cost reports. These agencies are classified according to their actual location.

6. Some commenters also asked for further explanation of the application of the basic service limit, as it was their impression that each component of the limit represents a separate limit.

Although the basic service limit contains two components, i.e., labor and non-labor, the sum of these two components is the limit for a specific service. To account for area wage differentials, the basic service limit is divided into its two components, and the labor portion is adjusted by the applicable wage index. The adjusted limit that will apply to a HHA visit will be the sum of the adjusted labor component plus the non-labor component.

7. Several commenters expressed concern that the three-year exemption for newly established HHAs would promote rapid proliferation of agencies.

The regulations make a distinction between exemptions from application of the cost limits and exceptions from the particular cost limit for a facility. 42 CFR 405.460(e)(2) provides that an exemption is available only to facilities serving inpatients, i.e., hospitals and skilled nursing facilities. If a provider of inpatient services receives an exemption, it is not affected at all by the cost limits and is reimbursed under Medicare principles according to the lower of its reasonable cost or customary charges. 42 CFR 405.460(f)(7) (published June 1, 1979 44 FR 31803) provides an exception for newly established HHAs (those in operation less than 3 full years). If an agency receives an exception, it is reimbursed on the basis of the cost limit, plus an incremental sum for the reasonable costs warranted by the circumstances that justified its exception. The purpose of the three year exception for newly established HHAs is to provide reasonable reimbursement for those agencies experiencing increased costs per visit in initial years of operation as a result of lower utilization.

Since the exception for HHAs does not exempt them totally from the cost limits and since each HHA applying for this exception must prove its case, we do not believe the provision will encourage the establishment of unnecessary new agencies.

Methodology for Determining Cost Per Visit Limits

1. *Data.* The limits were determined by using cost per visit data obtained from the latest Medicare cost reports for periods ending on or before September 30, 1978. We adjusted the data from the midpoint of each provider's cost reporting period to June 30, 1980, using factors developed from actual historical increases in home health agency reimbursement. The market basket index factors will be used to project costs from July 1, 1980, to the midpoint of the first cost reporting period to which the limits will apply. The annual

percentage increases for this projection are:

Calendar Year	Percent increase
1977	7.3
1978	6.9
1979	9.1
1980 (1/1/80-6/30/80)	9.9
1980 (market basket, 7/1/80-12/31/80)	10.2
1981 (market basket)	9.9
1982 (market basket)	9.8

The projected rate of increase in the market basket index will be adjusted to the actual inflation rate if the actual rate of increase is more than ¼ of 1 percentage point above the estimated rate. We will publish the actual rate of increase in the **Federal Register** and use it to adjust a home health agency's cost limit at time of final settlement.

2. *Deflation by Wage Index.* Each HHA's per visit costs are divided into wage and non-wage portions. The wage portion of costs is determined by using the 69.78% routine wage factor derived from the market basket weight (64.99%) for employee wages and salaries, plus a wage percentage (4.79%) of contract services. This wage portion is then divided by the wage index applicable to the HHA's location to arrive at an adjusted wage cost. (See table IV.) This adjusted wage cost is then added to the non-wage cost to obtain the per visit cost used to calculate the basic service limit.

The current hospital wage index was developed from data for the year 1978 supplied by the Bureau of Labor Statistics (BLS) for the "hospital industry", a standard BLS reporting category. Data for 1979 will not be available until late in 1980.

To develop the hospital wage index, we first computed the national SMSA, or NECMA average hospital wage. We then divided this average into the average hospital wage for each SMSA (or NECMA). For non-SMSA areas, we developed the index by computing the national non-SMSA average hospital wage and then divided this average into the average hospital wage for all non-SMSA counties in a State. The results are expressed as index numbers which are used to adjust the labor-related components of the limits.

3. *Basic Service Limit.* A basic service limit equal to the 80th percentile of the array was calculated for each type of service, according to the provider-based and free-standing classification and the urban or non-urban location of the group.

4. *Computing the Adjusted Limit.* the basic limit for each type of service is divided into its wage and non-wage components. The cost weight (69.78 percent) representing wage and salary expenditures is used to determine the wage component of the cost limit. The wage component of the basic service limit is then multiplied by the wage index. (See Table IV.) The adjusted limit which applies to each service group is the sum of the non-wage component of the basic limit, plus the adjusted wage component.

Example—Calculation of Adjusted Limit.

Limit from Schedule—$42.67

Labor portion—$29.77

Non-labor portion—$12.90

Wage Index—$1.2504.

Computation of Adjusted Limit

$29.77 × 1.2504 (wage index) = $37.22—Adjusted Labor Portion.

$37.22 + 12.90 = $50.12—Adjusted per visit limit for this HHA.

5. *Adjustment for Reporting Year.* If a HHA has a cost reporting period beginning on or after August 1, 1980, the adjusted per visit limit for each service will be revised upward by a factor of .825 percent for each elapsed month between July 1, 1980, and the month in which the HHA's cost reporting period starts. (The figure .825 is one twelfth of the calendar year projected market basket increase of 9.9 percent.) This factor is developed by dividing the projected increase in the market basket index by 12 and is used to account for inflation in costs that will occur after the date on which the limits become effective.

Example—HHA A's cost reporting period begins October 1, 1980. The adjusted per visit limit for A's group is $50.12.

Computation of Revised Group Limit

Adjusted Per Visit Limit—$50.12, Plus Adjustment for 3-month period.

3 × .825 = 2.475 percent

1.02475 × $50.12 = $51.36

In this example, the revised adjusted per visit limit applicable to A for the cost reporting period beginning October 1, 1980, is $51.36 per visit.

If a HHA uses a cost report period that is not 12 months in duration, a special calculation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of a cost reporting period and the factor of .825 is based on an assumed 12-month reporting period. For cost reporting periods other than 12 months, the calculation must be done specifically for the midpoint of the cost reporting period. The HHA's intermediary will obtain this adjustment factor from HCFA.

Schedule of Limits

The schedule of limits set forth below applies to the 12-month cost reporting period beginning on or after July 1, 1980. The adjusted limits (using the wage index published in Table IV) will be computed by the fiscal intermediaries and each HHA will be notified of its applicable limit.

The limits also include the cost of medical supplies routinely furnished in conjunction with patient care. However, the costs of medical appliances and supplies that are not routinely furnished in conjunction with patient care visits and that are direct identifiable services to an individual patient are excluded from the per visit limit amounts. The reasonable costs of these items will be reimbursed without regard to the schedule of limits. Routinely furnished medical supplies are defined in the instructions of the New Medicare home health agency cost report that were made available for public comment earlier this year.

The limit is determined for each home health agency by multiplying the number of Medicare visits for each type of service furnished by the provider by the respective per visit cost limit. The sum of these amounts is compared to the home health agency's aggregate allowable cost.

Example: Home Health Agency A, a freestanding agency located in Ann Arbor, Michigan, made 5,000 skilled nursing, 1,000 physical therapy and 1,000 home health aide covered visits to Medicare beneficiaries during its 12-month cost reporting period beginning July 1, 1980.

The aggregate cost limit would be determined as follows:

Type of Visit	Visits	Limit	Adj. limit	
Skilled Nursing..	5,000	42.67	43.62	$218,100
Physical Therapy.	1,000	42.42	43.37	43,370
Home Health Aide	1,000	32.26	32.98	32,980
Aggregate Cost Limit				294,450

Before the limits are applied at cost settlement, the provider's actual costs will be reduced by the amount of individual items of cost (e.g., administrative compensation, contract services) that are found to be excessive under Medicare principles of provider reimbursement. In this regard, the fiscal intermediaries would review the various reported costs against such screens as the cost guidelines for physical therapy (see 42 CFR 405.432) and against the limitation on costs that are substantially

out of line with those of comparable agencies (see 42 CFR 405.451). The provider's cost would also be reduced by the amount of reimbursable costs that are not included in the limitation amount (e.g., medical appliances). HCFA will also examine the feasibility of applying additional screens to various types of costs incurred by HHAs.

A home health agency operating as a branch or subunit (not independently certified for Medicare participation) whose main office, as of the effective date of the schedule of limits, is located in a SMSA (or within a NECMA, if in New England) will be classified as metropolitan. (SMSA and NECMA counties are listed in Table III.) A home health agency whose main office is not located in a SMSA (or NECMA) will be classifed non-metropolitan. (See 42 CFR 405.1202 for definition of branch office.)

Table I—Per Visit Limits for Provider-Based Home Health Agency's

Type of visit	Limit for SMSA location	Labor portion (67.78%)	Non-labor portion (30.22%)
SMSA (NECMA) Location			
Skilled nursing care	54.17	37.80	16.37
Physical therapy	47.87	33.40	14.47
Speech pathology	47.52	33.16	14.36
Occupational therapy	49.94	34.84	15.10
Medical social services	54.54	38.06	16.48
Home health aide	47.36	33.05	14.31
Non-SMSA Location			
Skilled nursing care	47.23	32.96	14.27
Physical therapy	46.37	32.36	14.01
Speech pathology	*	*	*
Occupational therapy	*	*	*
Medical social services	*	*	*
Home health aide	42.95	29.97	12.98

*Insufficient data—Use basic services limits for free-standing non-SMSA agencies.

Table II—Per Visit Limits for Free-Standing Home Health Agency's [1]

Type of visit	Limit for SMSA location	Labor Portion (69.78)	Non-labor portion (30.22%)
SMSA (NECMA) Location			
Skilled nursing care	42.67	29.77	12.90
Physical therapy	42.42	29.60	12.82
Speech pathology	44.04	30.73	13.31
Occupational therapy	45.24	31.57	13.67
Medical social services	48.79	34.05	14.74
Home health aide	32.26	22.51	9.75
Non-SMSA Location			
Skilled nursing care	44.75	31.23	13.52
Physical therapy	49.62	34.62	15.00
Speech pathology	48.35	33.74	14.61
Occupational therapy	57.30	39.98	17.32
Medical social services	43.46	30.33	13.13
Home health aide	31.49	21.97	9.52

[1]Non-labor portion of limits for HHAs located in States of Alaska and Hawaii will be be increased by the following cost-of-living adjustment:

Alaska	25
Hawaii (island)	
Oahu	12.5
Kauai	15
Molokai	15
Maui and Lanai	10
Hawaii	10

Table III—SMSA Constituent Counties

City, State, and County

Abilene, TX; Callahan, Jones, Taylor
Akron, OH; Portage, Summit
Albany, GA; Dougherty, Lee
Albany, Schenectady, NY; Albany, Montgomery
Troy, Rensselaer, Saratoga, Schenectady
Albuquerque, NM; Bernalillo, Sandoval
Alexandria, LA; Grant, Rapides
Allentown, Bethlehem, Easton, PA–NJ; Warren, NJ, Carbon, Lehigh, Northampton
Altoona, PA; Blair
Amarillo, TX; Potter, Randall
Anaheim, Santa Ana, Garden Grove, CA; Orange
Anchorage, AK; Anchorage
Anderson, IN; Madison
Ann Arbor, MI; Washtenaw
Anniston, AL; Calhoun
Appleton, Oshkosh, WI; Calumet, Outagamie, Winnebago
Asheville, NC; Buncombe, Madison
Atlanta, GA; Butts, Clayton, Cherokee, Douglas, Cobb, Fayette, Forsyth, DeKalb, Henry, Newton, Fulton, Paulding, Gwinnett, Rockdale, Walton
Atlantic City, NJ; Atlantic
Augusta, GA–SC; Columbia, GA, Richmond, GA, Aiken, SC
Austin, TX; Hays, Travis, Williamson
Bakersfield, CA; Kern
Baltimore, MD; Anne Arundel, Baltimore, Baltimore City, Carroll, Harford, Howard
Baton Rouge, LA; Ascension, East Baton Rouge, Livingston, West Baton Rouge
Battle Creek, MI; Barry, Calhoun
Bay City, MI; Bay
Beaumont, Port Arthur, Orange, TX; Hardin, Jefferson, Orange
Billings, MT; Yellowstone
Biloxi, Gulfport, MS; Hancock, Harrison, Stone
Binghampton, NY–PA; Broome, Tioga, Susquehanna
Birmingham, AL; Jefferson, St. Clair, Shelby, Walker
Bismarch, ND; Burleigh, Morton
Bloomington, IN; Monroe
Bloomington, Normal, IL; McLeah
Boise City, ID; Ada
Boston, Lowell, Brockton, Lawrence, Haverhill, MA; Essex, Middlesex, Norfolk, Suffolk, Plymouth, Rockingham, NH
Bradenton, FL; Manatee
Bridgeport, Stamford, Norwalk, Danbury, CT; Fairfield
Brownsville, Harlingen, San Benito, TX; Cameron
Bryan, College Station, TX; Brazos
Buffalo, NY; Erie, Niagara
Burlington, NC; Alamance
Caguas, PR; Caguas, Gurabo, San Lorenzo
Canton, OH; Carroll, Stark
Cedar Rapids, IA; Linn
Champaign, Urbana, Rantoul, IL; Champaign
Charleston, North Charleston, SC; Berkeley, Charleston, Dorchester
Charleston, WV; Kanawha, Putnam
Charlotte, Gastonia, NC; Gaston, Mecklenburg, Union
Chattanooga, TN–GA; Catoosa, Dade, Walker, Hamilton, Marion, Sequatchie
Chicago, IL; Cook, DuPage, Kane, Lake, McHenry, Will
Cincinnati, OH–KY–IN; Dearborn, Boone, Campbell, Kenton, Clermont, Hamilton, Warren
Clarksville, TN; Montgomery
Hopkinsville, KY; Christian
Cleveland, OH; Cuyahoga, Geauga, Lake, Medina
Colorado Springs, CO; El Paso, Teller
Columbia, MO; Boone
Columbia, SC; Lexington, Richland
Columbus, GA, AL; Russell, Chattahoochee, Columbus City
Columbus, OH; Delaware, Fairfield, Franklin, Madison, Pickaway
Corpus Christi, TX; Nueces, San Patricio
Dallas, Fort Worth, TX; Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, Wise
Davenport, Rock, IA; Henry
Island, Moline, IL; Rock Island, Scott
Dayton, OH; Greene, Miami, Montgomery, Preble
Daytona Beach, FL; Volusia
Decatur, IL; Macon
Denver, Boulder, CO; Adams, Arapahoe, Boulder, Denver, Douglas, Gilpin, Jefferson
Des Moines, IA; Polk, Warren
Detroit, MI; Lapeer, Livingston, Macomb, Oakland, St. Clair, Wayne
Dubuque, IA; Dubuque
Duluth, Superior, MN, WI; St. Louis, Douglas
Eau Claire, WI; Chippewa, Eau Claire
Elkhart, IN; Elkhart
Elmira, NY; Chemung
El Paso, TX; El Paso
Enid, OK; Garfield
Erie, PA; Erie
Eugene, Springfield, OR; Lane
Evansville, IN, KY; Gibson, Posey, Vanderburgh, Warrick, Henderson
Fargo, Moorhead, ND, MN; Clay, Cass
Fayetteville, NC; Cumberland
Fayetteville, Springdale, AR; Benton, Washington
Flint, MI; Genesee, Shiawassee
Florence, AL; Colbert, Lauderdale
Fort Collins, CO; Larimer
Fort Lauderdale, Hollywood, FL; Broward
Fort Myers, FL; Lee
Fort Smith, AR, OK; Crawford, Sebastian, Le Flore, Sequoyah
Fort Wayne, IN; Adams, Allen, De Kalb, Wells
Fresno, CA; Fresno
Gadsden, AL; Etowah
Gainesville, FL; Alachua
Galveston, Texas City, TX; Galveston
Gary, Hammond, East Chicago, IN; Lake, Porter
Grand Forks, ND, MN; Grand Forks, Polk
Grand Rapids, MI; Kent, Ottawa
Great Falls, MT; Cascade
Greeley, CO; Weld
Green Bay, WI; Brown
Greensboro, Winston-Salem, High Point, NC; Davidson, Forsyth, Guilford, Randolph, Stokes, Yadkin
Greenville, Spartanburg, SC; Greenville, Pickens, Spartanburg
Hamilton, Middletown, OH; Butler
Harrisburg, PA; Cumberland, Dauphin, Perry
Hartford, New Britain, Bristol, CT; Harford, Middlesex, Tolland, Litchfield
Honolulu, HI; Honolulu
Houston, TX; Brazoria, Fort Bend, Harris, Liberty, Montgomery, Waller

Huntington, Ashland, WV, KY, OH; Boyd, Greenup, Lawrence, Cabell, Wayne
Huntsville, AL; Limestone, Madison, Marshall
Indianapolis, IN; Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby
Iowa City, IA; Johnson
Jackson, MI; Jackson
Jackson, MS; Hinds, Rankin
Jacksonville, FL; Baker, Clay, Duval, Nassau, St. James
Janesville, Beloit, WI; Rock
Jersey City, NJ; Hudson
Johnson City, Kingsport, Bristol, TN, VA; Carter, Hawkins, Sullivan, Unicoi, Washington, Bristol City, Scott, Washington
Johnstown, PA; Cambria, Somerset
Kalamazoo, Portage, MI; Kalamazoo, Van Buren
Kankakee, IL; Kankakee
Kansas City, MO, KS; Johnson, Wyandotte, Cass, Clay, Jackson, Platte, Ray
Kenosha, WI; Kenosha
Killeen, Temple, TX; Bell, Coryell
Knoxville, TN; Anderson, Blount, Knox, Union
Kokomo, IN; Howard, Tipton
La Crosse, WI; La Crosse
Lafayette, LA; Lafayette
Lafayette, West Lafayette, IN; Tippecanoe
Lake Charles, LA; Calasieu
Lakeland, Winter Haven, FL; Polk
Lancaster, PA; Lancaster
Lansing, East Lansing, MI; Clinton, Eaton, Ingham, Ionia
Laredo, TX; Webb
Las Cruces, NM; Dona Ana
Las Vegas, NV; Clark
Lawrence, KS; Douglas
Lawton, OK; Comanche
Lewiston, Auburn, ME; Androscoggin
Lexington, Fayette, KY; Bourbon, Clark, Fayette, Jessamine, Scott, Woodford
Lima, OH; Allen, Auglaize, Putnam, Van Wert
Lincoln, NE; Lancaster
Little Rock, North Little Rock, AR; Pulaski, Saline
Long Branch, Asbury Park, NJ; Monmouth
Longview, TX; Gregg, Harrison
Lorain, Elyria, OH; Lorain
Los Angeles, Long Beach, CA; Los Angeles
Louisville, KY, IN; Clark, Floyd, Bullitt, Jefferson, Oldham
Lubbock, TX; Lubbock
Lynchburg, VA; Amherst, Appomattox, Campbell, Lynchburg City
Macon, GA; Bibb, Houston, Jones, Twiggs
Madison, WI; Dane
Manchester, Nashua, NH; Hillsboro, Merrimack
Mansfield, OH; Richland
Mayaguez, PR; Anasco, Hormigueros, Mayaguez
McAllen, Pharr, Edinburg, TX; Hidalgo
Melbourne, Titusville, Cocoa, FL; Brevard
Memphis, TN, AR, MS; Crittenden, DeSoto, Shelby, Tipton
Miami, FL; Dade
Midland, TX; Midland
Milwaukee, WI; Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis, St. Paul, MN, WI; Anoka, Carver, Dakota, Chisago, Hennepin, Ramsey, Scott, Washington, Wright, St. Croix
Mobile, AL; Baldwin, Mobile
Modesto, CA; Stanislaus
Monroe, LA; Ouachita
Montgomery, AL; Autauga, Elmore, Montgomery
Muncie, IN; Delaware
Muskegon, Norton Shores, Muskegon Heights, MI; Muskegon, Oceana
Nashville, Davidson, TN; Cheatham, Davidson, Dickson, Sumner, Robertson, Rutherford, Wilson, Williamson
Nassau, Suffolk, NY; Nassau, Suffolk
New Bedford, Fall River, MA; Bristol
New Brunswick, Perth Amboy, Sayreville, NJ; Middlesex
New Haven, West Haven, Waterbury, Meriden, CT; New Haven
New London, Norwich, CT; New London
New Orleans, LA; Jefferson, Orleans, St. Bernard, St. Tammany
New York, NY, NJ; Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, Westchester, Bergen
Newark, NJ; Essex, Morris, Somerset, Union
Newport News, Hampton, VA; Hampton City, Williamsburg City, Newport News City, Glouster, York, James City, Poquoson
Norfolk, Virginia Beach, Portsmouth, VA, NC; Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Currituck
Northeast Pennsylvania, PA; Lackawanna, Luzerne, Monroe
Odessa, TX; Ector
Oklahoma City, OK; Candian, Cleveland, McClain, Oklahoma, Pottowatomie
Omaha, NE, IA; Pottawattamie, Douglas, Sarpy
Orlando, FL; Orange, Osceola, Seminole
Owensboro, KY; Davies
Oxnard, Simi Valley, Ventura, CA; Ventura
Panama City, FL; Bay
Parkersburg, Marietta, WV, OH; Washington, Wirt, Wood
Pascagoula, Moss Point, MS; Jackson
Paterson, Clifton, Passaic, NJ; Passaic
Pensacola, FL; Escambia, Santa Rosa
Peoria, IL; Peoria, Tazewell, Woodford
Petersburg, Colonial Heights, Hopewell, VA; Colonial Heights City, Dinwiddie, Hopewell City, Petersburg City, Prince George
Philadelphia, PA, NJ; Burlington, Camden, Gloucester, Bucks, Chester, Delaware, Montgomery, Philadelphia
Phoenix, AZ; Maricopa
Pine Bluff, AR; Jefferson
Pittsburgh, PA; Allegheny, Beaver, Washington, Westmoreland
Pittsfield, MA; Berkshire
Ponce, PR; Juana Diaz, Ponce, Villalba
Portland, ME; Cumberland, Sagadahoc, York
Portland, OR, WA; Clackamas, Multnomah, Washington, Clark
Poughkeepsie, NY; Dutchess
Providence, Warwick, Pawtucket, RI; Bristol, Kent, Providence, Washington, Newport
Provo, Orem, UT; Utah
Pueblo, CO; Pueblo
Racine, WI; Racine
Raleigh, Durham, NC; Durham, Orange, Wake
Rapid City, SD; Pennington, Meade
Reading, PA; Berks
Reno, NV; Washoe
Richland, Kennewick, WA; Benton, Franklin
Richmond, VA; Charles City, Chesterfield, Coochland, Hanover, Henrico, New Kent Co, Powhatan, Richmond City
Riverside, San Bernardino, Ontario, CA; Riverside, San Bernardino
Roanoke, VA; Botetourt, Roanoke, Craig, Roanoke City, Salem City
Rochester, MN; Olmstead
Rochester, NY; Livingston, Monroe, Ontario, Orleans, Wayne
Rockford, IL; Boone, Winnebago
Sacramento, CA; Placer, Sacramento, Yolo
Saginaw, MI; Saginaw
St. Cloud, MN; Benton, Sherburne, Stearns
St. Joseph, MO; Andrew, Buchanan
St. Louis, MO, IL; Clinton, Madison, Monroe, St. Clair, Franklin, Jefferson, St. Charles, St. Louis, St. Louis City
Salem, OR; Marion, Polk
Salinas, Seaside, Monterey, CA; Monterey
Salt Lake City, Ogden, UT; Davis, Salt Lake, Tooele, Weber
San Angelo, TX; Tom Green
San Antonio, TX; Bexar, Comal, Guadalupe
San Diego, CA; San Diego
San Francisco, Oakland, CA; Alameda, Contra Costa, Marin, San Francisco, San Mateo
San Jose, CA; Santa Clara
San Juan, PR; Bayamon, Carolina, Canovanas, Catano, Guaynabo, Loiza, San Juan, Toa Baja, Trujillo Alto
Santa Barbara, Santa Maria, Lompac, CA; Santa Barbara
Santa Cruz, CA; Santa Cruz
Santa Rosa, CA; Sonoma
Sarasota, FL; Sarasota
Savannah, GA; Bryan, Chatham, Effingham
Seattle, Everett, WA; King, Snohomish
Sherman, Denison, TX; Grayson
Shreveport, LA; Bossier, Caddo, Webster
Sioux City, IA, NE; Woodbury, Dakota
Sioux Falls, SD; Minnehaha
South Bend, IN; Marshall, St. Joseph
Spokane, WA; Spokane
Springfield, IL; Menard, Sangamon
Springfield, MO; Christian, Greene
Springfield, OH; Champaign, Clark
Springfield, Chicopie, Holyoke, MA; Hampden, Hampshire
Steubenville, Weirton, OH, WV; Jefferson, Brooke, Hancock
Stockton, CA; San Joaquin
Syracuse, NY; Madison, Onondaga, Oswego
Tacoma, WA; Pierce
Tallahassee, FL; Leon, Wakulla
Tampa, St. Petersburg, FL; Hillsborough, Pasco, Pinellas
Terre Haute, IN; Clay, Sullivan, Vermillion, Vigo
Texarkana, TX, AR; Little River, Miller, Bowie
Toledo, OH, MI; Monroe, Fulton, Lucas, Ottawa, Wood
Topeka, KS; Jefferson, Osage, Shawnee
Trenton, NJ; Mercer
Tucson, AZ; Pima
Tulsa, OK; Creek, Mayes, Osage, Rogers, Tulsa, Wagoner
Tuscaloosa, AL; Tuscaloosa
Tyler, TX; Smith
Utica, Rome, NY; Herkimer, Oneida
Vallejo, Fairfield, Napa, CA; Napa, Solano
Vineland, Millville, Bridgeton, NJ; Cumberland
Waco, TX; McLennan

Washington, DC, MD, VA; DC, Charles, Montgomery, Prince Georges, Alexandria City, Arlington, Fairfax City, Fairfax, Falls Church City, Loudoun, Prince William, Manassas City, Manassas Park City
Waterloo, Cedar Falls, IA; Black Hawk
West Palm Beach, Boca Raton, FL; Palm Beach
Wheeling, WV, OH; Belmont, Marshall, Ohio
Wichita, KS; Butler, Sedgwick
Wichita Falls, TX; Clay, Wichita
Williamsport, PA; Lycoming
Wilmington, DE, NJ, MD; New Castle, Cecil, Salem
Wilmington, NC; Brunswick, New Hanover
Worchester, Fitchburg, Leominster, MA; Worchester
Yakima, WA; Yakima
York, PA; Adams, York
Youngstown, Warren, OH; Mahoning, Trumbull

Table IV A.—*Wage Index for Urban Areas*

SMSA areas	Wage index
Abilene, TX	.8471
Akron, OH	1.0308
Albany, GA	.7833
Albany-Schenectady-Troy, NY	1.0322
Albuquerque, NM	1.1007
Alexandria, LA	1.0357
Allentown-Bethlehem-Easton, PA-NJ	1.0490
Altoona, PA	1.0878
Amarillo, TX	.9891
Anaheim-Santa Ana-Garden Grove, CA	1.1626
Anchorage, AK	1.5136
Anderson, IN	.9269
Ann Arbor, MI	1.2489
Anniston, AL	.7986
Appleton-Oshkosh, WI	.9052
Asheville, NC	1.1118
Atlanta, GA	.9272
Atlantic City, NJ	1.0018
Augusta, GA-SC	1.0750
Austin, TX	.9079
Bakersfield, CA	1.0743
Baltimore, MD	1.1333
Baton Rouge, LA	.9242
Battle Creek, MI	1.2267
Bay City, MI	1.0438
Beaumont-Port Arthur-Orange, TX	.8613
Billings, MT	.8945
Biloxi-Gulfport, MS	1.0576
Binghamton, NY-PA	.9246
Birmingham, AL	.9969
Bismarck, ND	.9134
Bloomington, IN	.9585
Bloomington-Normal, IL	.8289
Boise City, ID	1.0836
Boston-Lowell-Brockton-Lawrence-Haverhill, MA-MH	1.1337
Bradenton, FL	.8438
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1186
Brownsville-Harlingen-San Benito, TX	.9056
Bryan-College Station, TX	.7822
Buffalo, NY	.9060
Burlington, NC	.8610
Canton, OH	.9141
Cedar Rapids, IA	.8929
Champaign-Urbana-Rantoul, IL	1.0856
Charleston-North Charleston, SC	1.0173
Charleston, WV	1.0328
Charlotte-Gastonia, NC	.9259
Chattanooga, IN-GA	.9687
Chicago, IL	1.2146
Cincinnati, OH-KY-IN	1.0896
Clarksville-Hopkinsville, TN-KY	.8262
Cleveland, OH	1.1701
Colorado Springs, CO	.9149
Columbia, MO	1.2097
Columbia, SC	.9927
Columbus, GA-AL	.8531
Columbus, OH	1.0253
Corpus Christi, TX	.9106
Dallas-Fort Worth, TX	.9434
Davenport-Rock Island-Moline, IA-IL	.9172
Dayton, OH	1.1514
Daytona Beach, FL	.9461
Decatur, IL	.9357
Denver-Boulder, CO	1.1140
Des Moines, IA	1.0621
Detroit, MI	1.1769
Dubuque, IA	.9002
Duluth-Superior, MN-WI	.8073
Eau Claire, WI	.8419
El Paso, TX	.9345
Elkhart, IN	.7965
Elmira, NY	.8010
Enid, OK	.8312
Erie, PA	.9700
Eugene-Springfield, OR	.9591
Evansville, IN-KY	1.0204
Fargo-Moorhead, ND-MN	1.0048
Fayetteville, NC	1.1267
Fayetteville-Springdale, AR	.8734
Flint, MI	1.1314
Florence, AL	.7955
Fort Collins, CO	.8229
Fort Lauderdale-Hollywood, FL	1.1327
Fort Myers, FL	.9611
Fort Smith, AR-OK	.8401
Fort Wayne, IN	.9028
Fresno, CA	1.1454
Gadsden, AL	.8987
Gainesville, FL	1.1171
Galveston-Texas City, TX	.9935
Gary-Hammond-East Chicago, IN	1.1579
Grand Forks, ND-MN	.8739
Grand Rapids, MI	.9088
Great Falls, MT	.8888
Greeley, CO	.8215
Green Bay, WI	.9398
Greensboro-Winston-Salem-High Point, NC	.8974
Greenville-Spartanburg, SC	.8864
Hamilton-Middleton, OH	1.0650
Harrisburg, PA	1.0520
Hartford-New Britain-Bristol, CT	1.0720
Honolulu, HI	1.1668
Houston, TX	1.0308
Huntington-Ashland, WV-KY-OH	.9505
Huntsville, AL	.8280
Indianapolis, IN	1.0486
Iowa City, IA	1.3012
Jackson, MI	.9828
Jackson, MS	.8981
Jacksonville, FL	.9324
Janesville-Beloit, WI	.8371
Jersey City, NJ	1.0712
Johnson City-Kingsport-Bristol, TN-VA	.9512
Johnstown, PA	.9977
Kalamazoo-Portage, MI	1.1351
Kankakee, IL	.9591
Kansas City, MO-KS	.9882
Kenosha, WI	1.0441
Killeen-Temple, TX	1.0588
Knoxville, TN	.8505
Kokomo, IN	.9330
La Crosse, WI	.8532
Lafayette, LA	.8521
Lafayette-West Lafayette, IN	.8907
Lake Charles, LA	.8526
Lakeland-Winter Haven, FL	.8476
Lancaster, PA	1.0410
Lansing-East Lansing, MI	1.0488
Laredo, TX	.8372
Las Cruces, NM	.7806
Las Vegas, NV	1.1837
Lawrence, KS	.8378
Lawton, OK	.8740
Lewiston-Auburn, ME	.8724
Lexington-Fayette, KY	1.0316
Lima, OH	.9421
Lincoln, NE	1.0107
Little Rock-North Little Rock, AR	1.1015
Long Branch-Asbury Park, NJ	1.0585
Longview, TX	.7922
Lorain-Elyria, OH	.9870
Los Angeles-Long Beach, CA	1.2905
Louisville, KY-IN	1.0112
Lubbock, TX	.8434
Lynchburg, VA	.8611
Macon, GA	.9170
Madison, WI	1.0238
Manchester-Nashua, NH	.8699
Mansfield, OH	.8706
McAllen-Pharr-Edinburg, TX	.7825
Melbourne-Titusville-Cocoa, FL	.9051
Memphis, TN-AR-MS	1.0612
Miami, FL	1.1264
Midland, TX	.8816
Milwaukee, WI	1.0154
Minneapolis-St. Paul, MN-WI	.9923
Mobile, AL	.8911
Modesto, CA	.9527
Monroe, La	.9022
Montgomery, AL	.9923
Muncie, IN	.9149
Muskegon-Norton Shores-Muskegon Heights, MI	.9837
Nashville-Davidson, TN	1.0555
Nassau-Suffolk, NY	1.3079
New Redford-Fall River, MA	.9665
New Brunswick-Perth Amboy-Sayreville, NJ	1.0678
New Haven-Waterbury-Meriden, CT	1.1519
New London-Norwich, CT	1.0957
New Orleans, LA	.9929
New York, NY-NJ	1.4451
Newark, NJ	1.2785
Newport News-Hampton, VA	1.0425
Norfolk-Virginia Beach-Portsmouth, VA-NC	.9660
Northeast Pennsylvania	1.1027
Odessa, TX	.8788
Oklahoma City, OK	.9306
Omaha, NE-IA	.9549
Orlando, FL	.9108
Owensboro, KY	.7235
Oxnard-Simi Valley-Ventura, CA	1.4074
Panama City, FL	.8592
Parkersburg-Marietta, WV-OH	.9577
Pascagoula-Moss Point, MS	1.1379
Paterson-Clifton-Passaic, NJ	1.0851
Pensacola, FL	.9132
Peoria, IL	1.0520
Petersburg-Colonial Heights-Hopewell, VA	.8909
Philadelphia, PA-NJ	1.1616
Phoenix, AZ	1.0806
Pine Bluff, AR	.7245
Pittsburgh, PA	1.1255
Pittsfield, MA	1.0213
Portland, ME	.9540
Portland, OR-WA	1.1194
Poughkeepsie, NY	1.2004
Providence-Warwick-Pawtucket, RI	1.0334
Provo-Orem, UT	.8969
Pueblo, CO	.8612
Racine, WI	.8246
Raleigh-Durham, NC	1.0578
Rapid City, SD	1.1297
Reading, PA	.9918
Reno, NV	1.2465
Richland-Kennewick, WA	.9853
Richmond, VA	.9638
Riverside-San Bernadino-Ontario, CA	1.1690
Roanoke, VA	1.1003
Rochester, MN	.9782
Rochester, NY	1.0818
Rockford, IL	1.0742
Sacramento, CA	1.2012
Saginaw, MI	1.1456
St. Cloud, MN	1.1067
St. Joseph, MO	.9095
St. Louis, MO-IL	.9764
Salem, OR	1.0709
Salinas-Seaside-Monterey, CA	1.2103
Salt Lake City-Ogden, UT	.8515
San Angelo, TX	.8074
San Antonio, TX	1.0283
San Diego, CA	1.1255
San Francisco-Oakland, CA	1.3805
San Jose, CA	1.3758
Santa Barbara-Santa Maria-Lompoc, CA	1.0276
Santa Cruz, CA	1.0595
Santa Rosa, CA	1.3212
Sarasota, FL	.8909
Savannah, GA	.9041
Seattle-Everett, WA	1.0056
Sherman-Denison, TX	.7773
Shreveport, LA	1.0296
Sioux City, IA-NE	.9221
Sioux Falls, SD	.8497
South Bend, IN	.8811
Spokane, WA	1.0577
Springfield, IL	1.0559
Springfield, MO	.9462
Springfield, OH	.9646
Springfield-Chicopee-Holyoke, MA	1.0342
Steubenville-Weirton, OH-WV	.9822
Stockton, CA	1.2994
Syracuse, NY	1.2807

Table IV A.—*Wage Index for Urban Areas* —Continued

SMSA areas	Wage index
Tacoma, WA	1.0397
Tallahassee, FL	.8494
Tampa-St. Petersburg, FL	1.0374
Terre Haute, IN	.8609
Texarkana-TX-Texarkana, AR	1.0364
Toledo, OH-MI	1.0955
Topeka, KS	1.1339
Trenton, NJ	1.1293
Tucson, AZ	1.0725
Tulsa, OK	.9224
Tuscaloosa, AL	1.0304
Tyler, TX	.9142
Utica-Rome, NY	.8669
Vallejo-Fairfield-Napa, CA	1.5362
Vineland-Millville-Bridgeton, NJ	.9370
Waco, TX	1.1763
Washington, DC-MD-VA	1.2749
Waterloo-Cedar Falls, IA	.8478
West Palm Beach-Boca Raton, FL	.9374
Wheeling, WV-OH	.9001
Wichita, KS	1.0373
Wichita Falls, TX	.8064
Williamsport, PA	.9170
Wilmington, DE-NJ-MD	1.1964
Wilmington, NC	.8770
Worcester-Fitchburg-Leominster, MA	.9514
Yakima, WA	.8946
York, PA	.9573
Youngstown-Warren, OH	1.0881

Table IV B.—*Wage Index for Rural Areas*

Non-SMSA areas	Wage index
Alabama	.9246
Alaska	1.5107
Arizona	1.0963
Arkansas	.8294
California	1.2158
Colorado	1.0599
Connecticut	1.1225
Delaware	1.0306
Florida	.9907
Georgia	.9382
Hawaii	1.3946
Idaho	.9142
Illinois	.8852
Indiana	1.0121
Iowa	.9095
Kansas	.9044
Kentucky	.8944
Louisiana	.8883
Maine	1.0354
Maryland	1.0525
Massachusetts	1.1692
Michigan	1.0998
Minnesota	.8895
Mississippi	.8386
Missouri	.9685
Montana	.9994
Nebraska	.8075
Nevada	1.0487
New Hampshire	1.0673
New Jersey	1.0895
New Mexico	1.0288
New York	.9986
North Carolina	.9605
North Dakota	.8921
Ohio	1.0218
Oklahoma	.9264
Oregon	1.0769
Pennsylvania	1.1394
South Carolina	.8946
South Dakota	.7753
Tennessee	.8387
Texas	.9065
Utah	.8058
Vermont	1.0319
Virginia	.9318
Washington	1.0242
West Virginia	1.1401
Wisconsin	.9048
Wyoming	1.0947

There is good cause to make this Notice effective July 1, 1980 since early implementation may benefit the home health agencies because the schedule is relieving certain restrictions through a system that is fairer to provide based agencies, there is an adjustment for area wage rates and an improved method for updating the limits based upon inflation.

(Secs. 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 42 U.S. 1302, 1395f (b), 1395x (v) (1), 1395cc (a) and 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: May 28, 1980.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing, Administrator.

Approved: June 2, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-17085 Filed 6-4-80; 8:45 am]

BILLING CODE 4110-35-M

Reader Aids

Federal Register

Vol. 45, No. 110

Thursday, June 5, 1980

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing June 4, 1980

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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